

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5511 of 2021**

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S District- Supaul

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Mukesh Ram, Son of Ranjeet Ram, Resident of Village -MALHANI, Ward
No. 2, P.S.- Supaul, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Bharat Bhushan, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Supaul Mahila P.S. Case No. 39 of 2020

registered for the offence punishable under Sections 341,

376AB, 511, 509 of the Indian Penal Code and Section 4/6/18 of

POCSO Act.

Learned counsel for the petitioner submits that the

petitioner and the informant are neighbours in the same village.

According to him he has been falsely implicated in this case

because of the quarrels between the families.

According to the prosecution story the victim girl aged about 12 years had gone to ease out at 7.00 P.M. on 24.05.2020. The petitioner reached there, pressed the mouth of the informant and took her towards the orchard of one person where he forcibly tried to commit rape on her. On her shouting the petitioner brought her in a room of the school and closed the door thereafter he left away. The victim girl claims that she remained in the school room for whole night and only at 4.00 A.M. in the morning when she shouted from the school room, the door was opened by a person. Thereafter, she was brought to the Police Station by her mother and the F.I.R. was lodged at about 4.30 P.M.

Learned counsel submits that the falsity of the allegation may be first noticed from the statement under Section 164 Cr. P.C. In her statement under Section 164 Cr. P.C. the victim girl has deviated from the manner of occurrence, however, she specifically says that this petitioner had not given her any slap. Her conduct in not shouting from the school room for the whole night and only at 4.00 A.M. she claims to have shouted raised a lot of suspicion on her conduct.

Learned counsel further submits that according to the

victim girl this petitioner had tried to commit rape but she admits in her statement that the petitioner had only tried to pull string of her Salwar but did not open her cloths and then in the school room he had not committed any attempt to rape.

It is submitted that the petitioner is hardly about 18 years and has been made victim in this case because of the local village enmity. The girl was not examined medically because she did not allege any commission of rape.

Petitioner has remained in custody for more than one year, investigation against him is complete but the trial is not likely to take place in near future.

Mr. Bharat Bhushan, learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, the submissions on behalf of the petitioner noted hereinabove and that the petitioner has remained in jail for over one year in connection with this case, he has otherwise no criminal antecedent, this Court directs release the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- 6th -cum-Special Judge, POCSO Court,

Supaul in connection with Supaul Mahila P.S. Case No. 39 of 2020 (POCSO Case No. 23 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that during the pendency of the trial the petitioner shall not try to come in contact with the victim girl and he will cooperate in course of trial.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be

delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.