

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7392 of 2021

Arising Out of PS. Case No.-72 Year-2020 Thana- ASHOK PAPER MILL District-
Darbhanga

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Rakesh Kumar, Male, aged about yrs, Son of Ram Bharosh Sahu Resident of
Village - Sirniya, P.S.- Ashok Paper Mills, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav Advocate

For the Opposite Party/s : Ms. Madhuri Lata APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 30-07-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour

his undertaking given in the instant case for depositing the

requisite court fee and to remove the defects as pointed out by

office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner seeks bail in Ashok Paper Mills P.S. Case

No. 72 of 2020, instituted for the offence under Sections

341,323, 354, 354(b)(c)(d), 307 and 506/34 of the Indian Penal

Code and Sections 8/12 of the POCSO Act.



The petitioner is alleged to be imparting tuition to victim's younger sister. His visits to the house of the victim was being objected by some other persons of the locality as he belongs to Hindu community. Thereafter, the three named accused persons and, more specifically, co-accused Mazaharul Islam @ Guddu has tormented and repeatedly made attempt to outrage her modesty leading to her sprinkling kerosene oil on herself and setting herself ablaze.

The learned counsel for the petitioner submits that the motive for driving the victim to suicide has been assigned to other co-accused, namely, Mazaharul Islam @ Guddu. A grave suspicion has been cast on the entire prosecution story and the same is rendered doubtful by the second '*Fardbeayn*' of the same victim recorded while she was undergoing treatment for the burn injuries at the P.M.C.H. at Patna. In paragraph No. 37 of the case diary, the same has been recorded, wherein, she has stated that she caught fire while she was cooking on a gas stove. The two '*Fardbeyans*' lodged by the victim, in respect of the same occurrence, are at stark variance. The petitioner is stated to be in custody now for a considerable period of time i.e. since 21.04.2020 and, as per statements made in the bail petition, he has no criminal antecedents.



The learned APP representing the State has opposed the prayer for bail. But, he is also not in a position to controvert this submission.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **1st Additional Sessions Judge-cum-Special Judge (POCSO) Act), Darbhanga,** in connection with **Ashok Paper Mills PS Case No. 72 of 2020,** subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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