

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37577 of 2021

Arising Out of PS. Case No.-50 Year-2019 Thana- RAGHOPUR District- Vaishali

RAKESH RAM S/O DHURKHELI RAM @ DHURKHELI DAS R/o
village- Rampur Shyamchand, P.S.- Raghapur, District- Vaishali, Bihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pramila Kumari D/o Umesh Das R/o village- Rampur Shyamchand, P.S.-
Raghapur, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 27.03.2021,
seeks regular bail in connection with Raghapur P.S. Case No. 50
of 2019 for the offence punishable under Sections 4 and 8 of the
POCSO Act, pending in the Court of Special Court, POCSO-
cum-A.D.J-VI, Vaishali at Hajipur.

The allegation against the petitioner is of committing
rape on the minor daughter of the complainant/informant.

Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and he has falsely been implicated in this case due to dirty village politics. He further submits that in course of investigation, the I.O has found the present complaint false and has submitted Final Form, which would appear from paragraph No. 36 of the case diary.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner, but conceded that in paragraph 36 of the case diary, the Police has submitted Final Form stating the fact that the allegation made in the complaint case is not sustainable.

Without going into the merits of the case, the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of mother and father of the victim and the petitioner and all the other necessary witnesses and after recording their statements, if the Court below finds it proper in facts and circumstances of the case, shall pass necessary order in accordance with law, without being prejudiced by his earlier order dated 02.06.2021.

If the Court below is *prima facie* satisfied to release the petitioner on bail, the petitioner, above named be released on bail on such terms and conditions as the Court below may deem fit and proper.



Accordingly, with the aforesaid observation and direction, the present application filed on behalf of petitioner is disposed of.

(Purnendu Singh, J)

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