

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39553 of 2021

Arising Out of PS. Case No.-31 Year-2014 Thana- BIDUPUR District- Vaishali

BAIJU RAM S/O Late Rajendra Ram Resident of Village - Balataar, P.S. -
Bidupur, District - Vaishali, State- Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Bidupur P.S. Case No. 31 of 2014 (POCSO Cr. No. 486 of
2014) instituted for the offences under Sections 323, 504, 384
and 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 03.02.2021, is a person with clean
antecedent and charge-sheet has been submitted.

Learned counsel for the petitioner submits that the
present FIR arises out of a complaint case wherein the
informant/complainant alleges that her minor daughter, who is
mentally retarded, was sexually assaulted by the petitioner on



the point of gun in her presence when the victim had gone back side of the Batthan after cutting the grass.

Learned counsel submits that the petitioner has been falsely implicated in the present case and no such occurrence as alleged had ever taken place. It is also submitted that from bare perusal of the allegation made in the FIR, it would manifest that the occurrence is alleged to have taken place on 18.07.2021 at 07:00 p.m. when the complaint also came to be instituted on the same date. Learned counsel thus submits that it does not stand to reason that how come after closing of the Court hour the complaint was instituted for an occurrence which took place at 07:00 p.m. Learned counsel further submits that the informant purposely instituted the complaint case only with a view to ensure false implication of the petitioner so that medical check up of the alleged victim could not be done. Learned counsel further submits that now the matter stands compromise.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named



be released on bail on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Exclusive Special Court
POSCO-cum-ADJ-VI, Vaishali at Hajipur in connection with
Bidupur P.S. Case No. 31 of 2014 (POCSO Cr. No. 486 of
2014).

(Satyavrat Verma, J)

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