

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46267 of 2021**

Arising Out of PS. Case No.-86 Year-2020 Thana- RUDRAPUR District- Madhubani

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1. Sukan Ram Son of Ramrup Ram Resident of Village - Sisoni, P.S. - Rudrapur, District - Madhubani.
 2. Sohan Ram Son of Ramrup Ram Resident of Village - Sisoni, P.S. - Rudrapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Shubham
For the Opposite Party/s : Mr. Umesh Lal Verma

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 20-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Rudrapur
P.S. Case No. 86 of 2020 registered for the offence under
Sections 341, 323, 324, 354 (B), 379, 504 and 34 of the Indian



Penal Code.

The accused/petitioners are not named in the F.I.R. and are in custody since 07.03.2021.

The allegation against the petitioners is to disrobe the daughter of the informant and also of sexual assault.

Learned counsel appearing on behalf of the petitioners submitted that the case is founded over previous neighbourhood enmities, where case and counter case are pending between the parties. It has further been submitted that the statement of the victim recorded under Section 164 of Cr.P.C., negating the entire occurrence, stating nothing thereof about the petitioners. It has also been submitted that both the petitioners are persons of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence. While concluding the argument, it has further been submitted that the main accused, namely, Rajesh Ram @ Rajesh Kumar Ram has already been granted bail by one of the learned Co-ordinate Bench of this Hon'ble Court vide order dated 02.03.2022 passed in Cr. Misc. No. 69648 of 2021.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the statement of victim as recorded under Section 164 of Cr.P.C. negating the



entire allegation.

Considering the facts and circumstances as mentioned above, as the statement of victim recorded under Section 164 of Cr.P.C. negating the entire occurrence coupled with the fact that allegation for attempt of rape is against co-accused, namely, Rajesh Ram @ Rajesh Kumar Ram, who has already been granted bail by this Hon'ble Court, let the petitioners, above named, are directed to be released on bail in connection with Rudrapur P.S. Case No. 86 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, Madhubani, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be



Babaday Devi, who is the wife of the
petitioner no.1 and deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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