

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45625 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- BACHHWARA District- Begusarai

Prithviraj Ray @ Prithvi Ray Son of - Late Baidh Nath Ray Resident of
Village - Chamtha Gop Tol, Panchayat - Chamtha -2, Police Station -
Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the State : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with
Bachhwara P.S. Case No. 106 of 2021 registered for the offence
under Sections 377 and 504 of the Indian Penal Code and
Section 4 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.05.2021.

The allegation against the petitioner is to commit
carnal intercourse with the son of the informant, who is minor.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in this case for the reason that the informant is in inimical terms due to dispute in connection with vegetable crops. It has also been submitted that the statement of victim child recorded under Section 164 of Cr.P.C. after eight days of the occurrence and as such, tutoring cannot be ignored. While arguing over the matter, it has further been submitted that the medical report is nowhere suggesting the penetrative sexual assault, as alleged. While concluding the argument, it has also been submitted that the chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail submitted that the victim supported the occurrence in his statement recorded under Section 164 of Cr.P.C.

Considering the facts and circumstances as mentioned above, as the possibilities of tutoring cannot be denied in view of delayed recording of statement of the victim coupled with the fact that medical report is not suggesting the penetrative sexual assault, let the petitioner, above named, is directed to be released on bail in connection with Bachhwara P.S. Case No. 106 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Begusarai, subject to the following conditions:

“(i) Accused/Petitioner 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 petitioner duly supported by the documents.

(ii) That one of the bailors shall be Rakesh Kumar, who is the son of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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