

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42133 of 2022

Arising Out of PS. Case No.-45 Year-2021 Thana- SAHJAHANPUR District- Patna

Ravi Kumar @ Phulouri S/o Vivek Singh R/o village- Tope, P.S.- Shahjahanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Perna Rishi

For the Opposite Party/s: Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP 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 Shahjahanpur P.S. Case No. 45 of 2021 registered for the offence under Section 341, 342, 365, 376(D)A of the I.P.C. and under Section 06 of the Protection of Children from Sexual Offences Act, 2012..

The accused/petitioner is named in the F.I.R. and is in custody since 15.05.2022.

The allegation against the petitioner is to commit rape upon the minor daughter of the informant along with other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the trial of all named accused persons except this petitioner already concluded through Special Case No. 85 of 2021, vide judgment dated 31.01.2022, where accused persons, namely, Suraj Kumar, Indrajeet Kumar, Sanjay Kumar and Ravi Kumar, after the trial, acquitted from the charges for the reason that the victim completely denied the occurrence. It is submitted that before the Trial Court, victim failed to recognise co-accused Indrajeet Kumar, who was only co-accused named to be identified through written complaint. It is also submitted that petitioner is a man of clean antecedent and moreover investigation against this petitioner is also completed, for which the charge-sheet has been submitted.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that victim completely negate the occurrence during the trial.

In view of the facts and circumstances, as mentioned above, as victim denied occurrence during trial of Special Case No. 85 of 2021, in the Court of Additional and District Sessions Judge-VII-cum-Exclusive Special Court (P.O.C.S.O. Act), Patna, in the background of the fact that petitioner was not identified through written complaint, let the petitioner, above



named, is directed to be released on bail in connection with Shahjahanpur P.S. Case No. 45 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 District and Sessions Judge-VII-cum-Exclusive Special Court (P.O.C.S.O. Act), Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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