

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55927 of 2021

Arising Out of PS. Case No.-178 Year-2021 Thana- RAMNAGAR District- West Champaran

1. Sharavan Kumar Son Of Manoj Keshri Resident Of Village - Vilaspur, P.S.- Ramnagar, Distt.- West Champaran.
2. Aman Kumar Son Of Jhunjhun Raut Resident Of Village - Kapoor Basti, Gola Bazar, P.S.- Ramnagar, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Let the supplementary affidavit filed on behalf of the petitioners be taken on the record.

Learned counsel for the petitioners undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Md. Fahimuddin, learned APP for the State.

Petitioners in the present case are seeking regular bail in connection with Ramnagar P.S. Case No. 178 of 2021 registered for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code and chargesheet has been submitted under Sections 363, 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act. They are in custody since 05.06.2021. Petitioners have no criminal antecedent.



As per the prosecution story, when the daughter of the informant had gone to ease out at about 10:00 in the night and was returning to her home, two persons came on a motorcycle, they stopped near the victim girl, caught hold of her, pressed her mouth and started taking her away whereupon the victim girl shouted and then the villagers assembled and caught hold of the two boys who disclosed their names as Sharavan Kumar and Aman Kumar.

Learned counsel for the petitioner submits that the petitioners in the present case have been falsely implicated. It is submitted that both the parties are well known to each other and the daughter of the informant has deposed before the learned trial court. She has not supported the prosecution story and has been declared hostile. She has also not identified these petitioners as the persons who had allegedly pressed her mouth and tried to take her away. It is further submitted that in any case there is no allegation of causing any sexual assault on the daughter of the informant.

Mr. Md. Fahimuddin, learned APP for the State has though opposed the prayer for bail of the petitioners but does not dispute that the victim girl has not supported the prosecution story and she has not identified these petitioners.

Having regard to the materials available on the record particularly the deposition of the victim girl who has been declared hostile as she has not supported the prosecution case and has not



identified these petitioners and that the petitioners have remained in custody for over 9 months, they have otherwise no criminal antecedent and their presence may be secured in course of trial, this Court directs release of the petitioners above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO)-cum-A.D.J. 7th Bettiah, West Champaran in connection with Ramnagar P.S. Case No. 178 of 2021, subject to the condition as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

