

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55989 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- AMNAUR District- Saran

Sarvjeet Ram, S/O Bijali Ram, R/o village- Gosi Amnour, Dharmpur, P.S.-
Amnour, District- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58697 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- AMNAUR District- Saran

Lal Babu Ram, Son of Asharfi Ram, Resident of Village - Gosi Amnour, P.S.-
Amnour, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55989 of 2021)

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 58697 of 2021)

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 27-06-2022 A supplementary affidavit has been filed on behalf of

the petitioner Lal Babu Ram.

Let it be kept on record.

Since both the aforesaid applications arise from

Amnour P.S. Case No.163 of 2021, as such, they have been

heard together and are being disposed of by this common order.



Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Amnour P.S. Case No. 163 of 2021, registered for the alleged offences under Sections 376, 120(B), 201 and 34 of the Indian Penal Code and Sections 67 and 67(A) of the Information Technology Act, 2000.

The allegation against the petitioners is that while the co-accused committed rape upon the victim lady, the petitioners recorded the same on their mobile phones and made that video viral.

The learned counsel for the petitioners submits that the victim lady is not the informant and the case was registered by the police personnel. The allegation of committing rape is not against the petitioner and the evidence of the victim lady and her brother-in-law has been recorded in the learned court below wherein she has denied the occurrence and did not identify any of the accused persons. Similarly, the brother-in-law of the victim lady has also not supported the prosecution case. The



petitioners are in custody since 08.07.2021 and no useful purpose would be served in keeping the petitioners in custody as the trial would ultimately result in acquittal since the victim and the witness have not supported the prosecution story.

Learned APP has opposed the submissions made on behalf of the petitioners. He submits that the victim and her brother-in-law supported the prosecution case before the police as well as in the statement recorded under Section 164 Cr.P.C. The petitioners recorded the act of rape on their mobile phones and the same is on record.

Having regard to the submissions made hereinabove, the gravity of nature of allegation and considering the fact that trial has been proceeding in the matter smoothly and the same is likely to be concluded soon, I am not inclined to enlarge the petitioners on bail at this stage.

Accordingly, the prayer for bail of the petitioners is rejected.

However, the petitioners may renew their prayer for bail, if the trial is not concluded within three months.

(Arun Kumar Jha, J)

V.K.Pandey/-

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