

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59440 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- PIPRA District- Supaul

1. Ramanand Kumar, Son of Domi Sah, Resident of Village- Nagar Parishad, Ward No.19, P.S.- Supaul, Distt.- Supaul.
2. Santosh Kumar @ Pintu, Son of Hareram Sah, Resident of Village- Nagar Parishad, Ward No.19, P.S.- Supaul, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 62359 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- PIPRA District- Supaul

Rajendra Sharma, Son of Shaini Sharma, Resident of Supaul, Ward No. 13, Police Station & District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59440 of 2021)

For the Petitioner/s : Mr. Neeraj Kumar Alias Sanidh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, Advocate

(In CRIMINAL MISCELLANEOUS No. 62359 of 2021)

For the Petitioner/s : Mr. Arun, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 28-09-2022 Both the bail applications arise out of the same police station case, they have been heard together with the consent of the partis and are being disposed of by this common order.

Learned counsels for the petitioners are permitted to remove the defect(s), as pointed out by the office, within a



period of four weeks from today.

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

The petitioners seek regular bail, who are in custody in connection with Pipra P.S. Case No. 182 of 2021 (POCSO Case No. 45 of 2021) registered for the offences punishable under Sections 368, 376(D), 120B of the Indian Penal Code and Sections 4/17 of the Protection of Children from Sexual Offences Act.

The prosecution case is based on a written report of the informant alleging therein that co-accused Maya Devi along with Urmila Devi by alluring two minor girls taken away and got them indulged in flesh trading. It is further alleged that the petitioners, Santosh Kumar @ Pintu and Ramanand Kumar , committed rape upon the victim and the petitioner Rajendra Sharma was keeping watch over them.

Learned counsels appearing on behalf of the petitioners submit that with regard to an occurrence, which is said to have taken place on 30.06.2021, the present F.I.R. has been instituted on 02.07.2021 without assigning any reason for delay. It is next submitted that from perusal of the F.I.R., the prosecution story appears to be absurd for the simple reason that



the girls, who were aged about 19 and 14 years respectively, have been taken on motorcycle and thereafter they were taken in a hotel and thereafter committed rape and they returned from bus, but both the girls never raised any hue and cry, though they went through public places. It is next submitted that during the course of trial, the deposition of both the victims along with the informant were recorded, however, none of them have identified the petitioners and they have not made any allegation against these petitioners.

In support of the aforesaid submissions, a supplementary affidavit has been filed bringing on record the deposition of the victims and the informant. While concluding their submissions, they further submits that the petitioners, having no criminal antecedent, are in custody since 03.07.2021 and moreover the informant as well as victims have been examined and they have not supported the prosecution case to the extent it relates to the petitioners.

On the other hand learned APP for the State vehemently opposes the bail applications and submits that that during the course of investigation ample materials have come suggesting the complicity of the petitioner in the present crime and in fact even the victims have stated that it is the petitioners,



who have committed wrongful act with them, but it appears that they have been gain over.

Regard being had to the submissions made on behalf of the parties and considering the deposition of the victims and the informant, who have not supported the prosecution case and they have categorically denied the fact of commission of rape against the petitioner, apart from the fair antecedent of the petitioners and the period of incarceration, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Supaul in connection with Pipra P.S. Case No. 182 of 2021 (POCSO Case No. 45 of 2021), subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain physically present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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