

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68883 of 2021**

Arising Out of PS. Case No.-346 Year-2021 Thana- BAGHA District- West Champaran

Deepak Ram, aged about 21 years (M), Son of Kishor Ram, Resident of
Village - Badgwan, P.S.- Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 08-08-2022 Heard Mr. Gauri Shankar Thakur, learned counsel

appearing on behalf of the petitioner and Mr. Md. Matloob Rab,

learned APP for the State.

Petitioner, who is in custody since 31.08.2021, seeks
regular bail in connection with Bagaha P.S. Case No. 346 of
2021 registered for offences punishable under Sections 341,
323, 354, 354 'D', 504, 506/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

It is alleged that petitioner along with one co-accused
Rajesh Ram had caught hold of the hand of the victim, who is
the informant with bad intention and had also snatched Rs.
10,000/- and a mobile phone of her father.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has falsely been



implicated in the present case. No case as alleged in the FIR is made out against the petitioner. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. where she has completely denied the allegations made in the FIR. Petitioner has no criminal antecedent and he is in custody since 31.08.2021.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner. He has made a specific submission that the statement of the victim under Section 164 Cr.P.C. made after being tutored. Even considering the age of the victim, who is about 16 years old, the petitioner does not deserve to be released on bail for the commission of offence as alleged in the FIR.

Having considered the rival submissions of the parties, taking into consideration the nature of allegation made in the FIR as well as the statement of the victim recorded under Section 164 Cr.P.C. in which she has completely denied the allegations made in the FIR, prima facie it appears to the Court that the petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Additional Session Judge -VII – Cum – Special Judge (POCSO) West Champaran at Bettiah in connection with Bagaha P.S. Case No. 346 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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