

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69335 of 2021

Arising Out of PS. Case No.-290 Year-2021 Thana- RAMNAGAR District- West Champaran

SANDEEP DUBEY Son of Diwakar Dubey Resident of Dhobi Tola, Purani Bazar, P.S.- Ramnagar, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar, APP
For the Informant	:	Mr.Ayush Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-04-2022 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376, 506, 379, 323 and 34 of the Indian Penal Code read with Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that after investigation cognizance has been taken under Sections 376, 341, 323, 504, 506 and 34 of the Indian Penal Code read with Section 4 of the POCSO Act. It is further submitted that the petitioner is in custody since 26.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that her daughter was sexually ravished by



Shubham @ Sunny, Sandeep (petitioner) and Vivek in connivance with her daughter's 'X' and 'Y' along with Meena, wife of Sandeep, it is further alleged that the victim had injuries on her private parts and the accused have also videographed the occurrence, further the victim out of fear did not disclose the occurrence but lived in continuous fear and threat. Further, it is alleged that the victim disclosed later that the accused persons had ravished her sexually and wrote Sunny 5 on her breast by knife, further alleges that Sandeep and his wife, Meena had video and pictures in their mobile based on which they started demanding money and jewellery on which victim gave Rs. 50,000/- along with jewelry in presence of 'X' to Sandeep, Vivek and Shubham who gave it to Meena. It is further alleged that on coming to know about the occurrence, the informant along with her son and brother-in-law went to the house of accused to inquire then Sandeep along with wife and 5-7 unknown persons assaulted her son and brother-in-law and as a result of which the brother-in-law suffered serious injuries on head and her son also suffered injury on head and were treated at PHC.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case along with his



entire family members, including his minor daughters 'X' and 'Y', it is further submitted that it absolutely does not stand to reason that a father along with her daughters would indulge in such an offence. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the occurrence with the victim had taken place nine months back, but the victim had not informed her parents. Learned counsel submits that the present case is a counter blast to Ramnagar P.S. Case No. 289 of 2021 dated 22.08.2021. Learned counsel further submits that though in the F.I.R. it is alleged that brother-in-law and the son of the informant were brutally assaulted by the petitioner and others and they suffered injuries on head but there is no injury report on record.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but learned counsel for the informant is not in a position to meet the submission of the learned counsel for the petitioner with regard to the injury report rather submits that there are medical prescriptions of the injury.

Considering the fact that the petitioner is in custody since 26.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and in the nature of



allegations as alleged, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ramnagar P.S. Case No. 290 of 2021.

(Satyavrat Verma, J)

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