

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69648 of 2021

Arising Out of PS. Case No.-86 Year-2020 Thana- RUDRAPUR District- Madhubani

RAJESH RAM @ RAJESH KUMAR RAM Son of Sukan Ram Resident of
village - Sisauni, P.S.- Rudhrapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-03-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Dr. (Mrs.)
Indihar Kumari.

The petitioner seeks regular bail in
connection with Rudrapur P.S. Case No. 86/2020,
registered for the offence punishable under
Sections 341, 323, 324, 354(B), 379, 504/34 of
the Indian Penal Code and Section 8 of the POCSO
Act.

The allegation is that the minor daughter of
the informant had gone to the field for relieving
herself where the petitioner, namely, Rajesh Ram,
had caught hold of her and had tried to commit



rape but upon alarm being raised by her, the informant had arrived at the place of occurrence, whereupon the petitioner, namely, Rajesh Ram, had fled away. It is further alleged that after sometime, the co-accused persons had arrived at the place of occurrence and had engaged in assaulting the informant and his family members. Specific allegation has been levelled against the co-accused persons regarding them having assaulted the informant and other persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 24.9.2021. The learned counsel for the petitioner has referred to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, annexed as Annexure-3 to the present petition, to submit that the victim girl has not levelled any allegation of commission of rape or for that matter even attempt to commit rape qua the



petitioner herein. It is further submitted that the medical report would also show that there is no medical evidence of sexual assault upon the victim girl. It is also submitted that as far as the petitioner is concerned, there is no allegation of him having engaged in any sort of overt act.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the allegation of attempt to rape qua the petitioner herein is belied from the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate, apart from the fact that no allegation of any sort of overt act qua the petitioner herein has been levelled, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is



directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIIth-cum-Special Judge, POCSO Act, Madhubani in connection with Rudrapur P.S. Case No. 86/2020.

(Mohit Kumar Shah, J)

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