

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53886 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Buxar

ARVIND RAM S/o- RADHEYSHYAM RAM Resident of Village- Sakhuana,
P.S.- Rajpur, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 72481 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Buxar

LALJI RAM @ LALJEE RAM Son of Parshuram Ram @ Parshu Ram
Resident of Village - Sakhuana, P.S. Rajpur, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11056 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Buxar

RAKESH RAM S/o Late Jhangur Rai R/o Village- Sakhuwana, P.S.- Rajpur,
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53886 of 2021)

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.

For the State : Mr. M.K. Nirala, APP.

For the Informant : Mr. Ajit Ranjan Kumar, Advocate.

(In CRIMINAL MISCELLANEOUS No. 72481 of 2021)

For the Petitioner/s : Mr. Satyapal Singh, Advocate.

For the State : Mr. Narendra Kumar Singh, APP.

For the Informant : Mr. Ajit Ranjan Kumar, Advocate.

(In CRIMINAL MISCELLANEOUS No. 11056 of 2022)

For the Petitioner/s : Mr. Pradhan Murli Manohar Pd. Advocate with
Mr. Raju Kumar, Advocate

For the State : Mr. Madan Kumar, APP.

For the Informant : Mr. Ajit Ranjan Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR



ORAL ORDER

4 29-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

With the consent of the parties, all the matters are being heard together and disposed of by the present common order.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with POCSO Case No. 24 of 2021 (Buxar Mahila P. S. Case No. 41 of 2021) registered for the offences punishable under Sections 147, 341, 323, 342, 376 (D), 379, 506 and 120(B) of the Indian Penal Code and Section 4/6 of the Protection of Children from Sexual Offences Act.

As per the prosecution case, it is alleged that on 09.06.2021, there was marriage of the daughter of *pattidar* of the informant and the informant/victim was watching the marriage from her roof, in the meantime, co-accused Sangita Devi called her and taken into a hut and locked the room from the outside. After some time all the F.I.R. named accused



persons entered into the hut after breaking the lock and started assaulting her. It is further alleged that thereafter, they snatched her mobile and on the torch light of the mobile, they also made bare video of her after untying her under cloth. It is also alleged that co-accused Sanjay Ram committed rape upon her and also snatched her golden ornaments and when the informant/victim started crying, thereupon, her parents and other villagers came there. The informant also alleged that the entire occurrence has taken place because of grabbing her property.

Learned counsels appearing on behalf of the petitioners submitted that the very prosecution case appears to be absurd, that the victim was called by one co-accused person and thereafter, she was locked in a hut but she did not ask for any help and further stated that all the *gotiya* people entered into the hut after breaking the lock and committed wrongful act in order to grab her property. Learned counsel for the petitioners further submitted that during the course of investigation, it has come that there was a dispute between the father of the victim and Rambabu Ram, which resulted into lodging of the present F.I.R. It has also come with regard to questionable character of the girl and moreover, the police during the course of investigation, has found the case false to the extent that the



accused persons have not prepared any video of the victim. It is lastly submitted that so far as the allegation of rape is concerned, that is attributed against co-accused Sanjay Ram, who is not before this court. It is lastly submitted that all the petitioners are *gotiya* of the informant and moreover, the petitioner(s) Arvind Ram in Cr. Misc. No. 53886 is in custody since 12.06.2021, Lalji Ram @ LalJee Ram in Cr. Misc. No. 72481 is in custody since 21.09.2021 and Rakesh Ram in Cr. Misc. No. 11056 of 2022 is in custody since 19.07.2021.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the statement of the victim has been recorded under Section 164 of the Cr.P.C. and she supported the prosecution case that all the accused persons have assaulted the victim and she was subjected to rape by co-accused Sanjay Ram and doctor has also assessed her age in between 16 to 17 years and moreover, the police after investigation, having found the case true, against all the accused persons submitted charge sheet.

Learned APP for the State also opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is



specific allegation against co-accused Sanjay Ram and so far these petitioners are concerned, there is allegation that they have made video of the victim, however, the allegation has also found false, during the course of investigation and so far these petitioners are concerned, they are men of fair antecedent, are in custody about one year, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VI-cum-Special Judge POCSO Act, Buxar in connection with POCSO Case No. 24 of 2021 (Buxar Mahila P. S. Case No. 41 of 2021), subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain 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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