

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15542 of 2023

Arising Out of PS. Case No.-254 Year-2022 Thana- ROSERA District- Samastipur

HARE RAM KUMAR @ HARE RAM JHA S/O RAM SHANKAR JHA @
SHANKAR JHA Resident of Village- Shivai Singhpur Buzargdwar, P.S.-
Rosera, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-07-2023 Heard learned counsels for the petitioner and the
State.

Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 363, 366(A), 376/34 of
the Indian Penal Code, Section 4 of the Protection of Children
from Sexual Offences Act and Section 3(1)(r), 3(2)(va) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

It is alleged that all the F.I.R. named accused persons
including this petitioner kidnapped the victim and co-accused
Murari Kumar Jha committed rape upon her.

It is submitted on behalf of the petitioner that F.I.R.
has been lodged after delay of three months without any



plausible explanation which itself creates doubt about the veracity of the entire prosecution case. Specific allegation of commission of rape is against co-accused Murari Kumar Jha. Doctor has not found any sign of rape upon the victim. Petitioner is in no way concerned with the alleged occurrence. He has been made accused in this case simply because he is co-related to the co-accused Murari Kumar Jha. Moreover, the victim in her statement recorded under Section 164 of Cr.P.C. has not alleged any wrong against the petitioner. Petitioner is only alleged to have assisted co-accused Murari Kumar Jha. Petitioner has got clean antecedent.

Considering the facts and circumstances of the case, this anticipatory bail is allowed and it is ordered that the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum-Special Court, (POCSO) Act, Samastipur in connection with Rosera P. S. Case No. 254 of 2022, subject to condition as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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