

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16564 of 2023

Arising Out of PS. Case No.-98 Year-2020 Thana- RAMNAGAR District- West Champaran

CHANDAN RAM @ CHANDAN KUMAR RAM SON OF SUNIL RAM
RESIDENT OF VILLAGE- BELI BELWA, P.S- RAMNAGAR, DISTT.-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-04-2023 Heard the parties.

2. The petitioner renews his prayer for bail in connection with Ramnagar PS Case No. 98/2020 (POCSO 77/2020) dated 10.04.2020 registered under Sections 376 of the IPC and Section 4 of the POCSO Act.

3. This is the second attempt for grant of regular bail on behalf of the petitioner inasmuch as earlier bail application of the petitioner was dismissed *vide* order dated 19.05.2022 passed in Cr. Misc. No. 32237/2021 (Annexure-1/1) with liberty to renew his prayer for bail after three months if the trial does not conclude.

4. As per allegation in the FIR, the petitioner committed rape upon the minor daughter of the informant while the parents



of the victim were out of their home. It has further been alleged that while committing rape, the videography of the victim was also done by the petitioner.

5. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to the fact that he is a neighbour of the informant and there is a longstanding land dispute between them. Petitioner is in custody since 11.04.2020. Learned counsel, referring to paragraphs-5-6 of the last order dated 19.05.2022 passed in Cr. Misc. No. 32237/2021 rejecting the bail application of the petitioner, submits that the trial court had given the estimated time for conclusion of the trial within three months and accordingly, this Court had rejected the bail application of the petitioner on the ground that the trial is on the verge of completion.

6. This Court *vide* order dated 15.03.2023 had called for a report from 7th Additional Sessions Judge-cum-Special Judge, POCSO, West Champaran at Bettiah and in pursuance thereof, the report has been submitted *vide* Letter No. 135 dated 06.04.2023 stating therein that out of seven charge-sheet witnesses five of them have been examined and the doctor as well as Assistant Sub-Inspector of Police have not been



examined but the prosecution evidence has been closed by the trial court. However, a petition under Section 311 CrPC has been filed by the prosecution which is still pending. No estimated time for completion of the trial has been given by the trial court in the report.

7. Regards being had to the facts that this is the second attempt for regular bail on behalf of the petitioner, the trial has not completed as per the estimated time given by the trial court as recorded in the earlier order 19.05.2022 passed by this Court, petitioner is in custody since 11.04.2020 and there is no likelihood that the petitioner will abscond or will tamper with the evidence and only official witnesses are to be examined accordingly, I am inclined to grant regular bail to the petitioner.

8. Accordingly, let the petitioner, namely, CHANDAN RAM @ CHANDAN KUMAR be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), West Champaran at Bettiah in connection with Ramnagar PS Case No. 98 of 2020, subject to the condition that the petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his



bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

perwez

U			
---	--	--	--

