

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19524 of 2023

Arising Out of PS. Case No.-28 Year-2022 Thana- MAHILA P.S. District- Sitamarhi

Ranveer Kumar S/O Madan Jha R/O Village- Rupauli, Post Office- Pitauihiya
Chak Rampur Hari, Police Station- Runnisaidpur, District Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Nandan Thakur, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 01.10.2022, in connection with Sitamarhi Mahila P.S. Case No. 28 of 2022, F.I.R. dated 30.09.2022 registered for the offences punishable under Sections 376 (D.A) of the Indian Penal Code and Section 4/6 of the POCSO Act.

Allegation against the petitioner is that he along with the other accused persons committed rape upon the victim.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



He further submits that the statements of the victim girl were recorded under Section 161 of the Cr. P.C. and Section 164 of the Cr. P.C. in which both the statements are contradictory with each other. He further submits that in 161 statement the victim has stated that the petitioner and other three persons have committed rape upon her but in 164 statement she has not named the petitioner but she stated that two other persons also involved in the present occurrence. He further submits that the medical report suggests that the age of the victim is between 16 to 18 years. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Sitamarhi in connection with Sitamarhi Mahila P.S. Case No. 28 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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