

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27592 of 2023**

Arising Out of PS. Case No.-22 Year-2022 Thana- MAHILA P.S. District- Saharsa

KUSHESHWAR RAM Son of Rameshwar Ram Resident of Village -
Hakpara Ward No.- 14, P.S.- Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Special
POCSO Case No. 41 of 2022 arising out of Saharsa Mahila P.S.
Case No. 22 of 2022 registered for the offence under Sections 341,
376, 504, 506, 509, 34 and 493 of the Indian Penal Code and
Section 4 & 6 of POCSO Act.

4. The accused/petitioner is named in the F.I.R. and is in
custody since 19.04.2022.

5. The allegation against the petitioner is to commit
penetrative sexual assault upon daughter of informant alongwith
other co-accused persons/family members, aged about 17 years on



false pretext of securing higher marks in examination.

6. Learned counsel appearing on behalf of the petitioner submitted that the thrust of allegation is available against son of petitioner, who is co-accused Rabindra Kumar Ram, running a coaching institute where daughter of informant was a student. It is submitted that the allegation against this petitioner is limited as not to cooperate the informant with matter/occurrence when same was reported to him. It is submitted that with similar allegation the brother of petitioner namely Dhaneshwar Ram has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 58088 of 2022 vide order dated 21.02.2023. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as entire thrust of allegation is available against co-accused Rabindra Kumar Ram, as per narration of F.I.R., where implication of this petitioner is only being father of said main co-accused coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 19.04.2022, accordingly, above named petitioner is



directed to be released on bail in connection with Special POCSO Case No. 41 of 2022 arising out of Saharsa Mahila P.S. Case No. 22 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI-cum-Exclusive Special Court POCSO, Saharsa/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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