

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32088 of 2023

Arising Out of PS. Case No.-451 Year-2022 Thana- NOKHA District- Rohtas

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Ravish Kumar @ Golu, Son of Harendra Rai @ Lallu Ray, Resident of
village- - Kharawat, P.S. - Natwar, Distt. - Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Nokha P.S. Case No.451 of 2022 registered for the offences

punishable under Sections 376, 323, 341 and 366-A read with

34 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is

in custody since 20.12.2022.

4. Allegation against the petitioner is to commit rape

upon the complainant and upon her daughter along with other

co-accused persons somewhere in the month of February, 2022.

5. It is submitted by learned counsel that petitioner

has been falsely implicated out of neighbourhood dispute and

differences. It is submitted that the petitioner was friendly with



complainant, but out of certain misconception as developed by husband of the complainant, the present false case was lodged by way of complaint, which was even made after six months of the occurrence, where on the direction of the court, the present FIR was lodged on 01.12.2022. It is submitted that no separate case was lodged for the occurrence, which alleged to be taken place with the daughter of complainant. It is submitted that the date of birth as per school certificate of alleged minor daughter of complainant is 06.02.2004, where occurrence is of February, 2022 without specifying any particular date and as such, it can be gathered safely that on the date of occurrence, she was major having *prima facie* no implication of POCSO Act. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as the present complaint was lodged after six months of occurrence without



having any just explanation, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Rohtas at Sasaram in connection with Nokha P.S. Case No.451 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with complainant/informant, minor daughter and any of the prosecution witnesses in whatsoever manner during the pendency of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner



duly supported by the documents.

(iii) That one of the bailors shall be deponent
of the present bail petition.

(Chandra Shekhar Jha, J.)

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