

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49024 of 2023

Arising Out of PS. Case No.-282 Year-2021 Thana- CHANPATIA District- West Champaran

RAKESH RAM, aged about 24 years, Male, SON OF BAGUR RAM
RESIDENT OF VILLAGE-KHAIRWA TOLA, PS- SIRISIYA CHANPATIYA
, DISTT- WEST CHAMPARAN .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Mohan, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 04-08-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Chanpatiya Sirisiya P.S. Case No. 282 of 2021 dated 22.05.2021
registered for the offences punishable under Sections 363,
366(A)/34 of the Indian Penal Code and Sections 8/12 of the
POCSO Act.

3. The main submissions advanced by learned counsel
for the petitioner are that the petitioner has been languishing in
jail since 12.10.2022 and he is a very young person, in fact the
victim left her parents' house according to her own will and after
the alleged incident, she recorded her statements under Sections
161 and 164 of Cr.P.C. in which she stated that she went with
this petitioner and subsequently married with him and now she
has a baby boy also from the said wedlock. Further submissions
are that as per the FIR, the victim is stated to be 16 years old but



while recording her statement under Section 164 of Cr.P.C., she has disclosed her age as 18 years and as per medical report, her age was assessed to be 17-18 years and against the petitioner, the investigation has been completed.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's young age, his custody period and completion of the investigation against him and also the victim's statements recorded under Sections 161 and 164 of Cr.P.C. as discussed in the order impugned which goes against the allegation made in the FIR, in my opinion in the said circumstances, the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above 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 the Court concerned in connection with Chanpatiya Sirisiya P.S. Case No. 282 of 2021.

(Shailendra Singh, J)

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