

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53882 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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SHAMBHU RAM S/o Shivnandan Ram R/o Village-Pachgava, P.S.-Semra,
District-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehend his arrest in connection
with Bagaha Mahila P.S. Case No. 72 of 2022, registered for the
offences punishable under Sections 376, 313, 323, 504, 34 of
the Indian Penal Code and under section 8 of POCSO Act.

3. As per allegation, on 15.07.2021 at about 6 P.M.,
the informant went outside to attend the call of the nature. In the
meantime, the co-accused, namely, Chandan Kumar caught her
and took her into the field of sugarcane by pressing her mouth
and committed rape with her due to which she got pregnant. Co-
accused Chandan Kumar assured the victim that he would marry
her. The allegation against this petitioner (father of Chandan



Kumar) is that he torn her clothes and threatened her.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated merely because he is father of co-accused Chandan Kumar against whom there is allegation of committing rape with the informant. He is submitted further that the investigating authorities submitted final form against the petitioner, but differing with the opinion of the investigating authorities the learned magistrate had taken cognizance. The petitioner is a person of clean antecedent.

5. On the other hand, learned APP has opposed the prayer for bail and has submitted that the victim in her statement under 164 of CrPC has taken name of the petitioner also along with other accused persons to which learned counsel for the petitioner has replied that the allegation against the petitioner and the statement under section 164 CrPC as well as in *fard-beyan* of the victim are exactly similar.

6. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additiobnal District and



Session Judge 7th cum Special Judge POCSO, Bettiah, West
Champan in connection with Bagaha Mahila P.S. Case No. 72
of 2022, subject to the conditions as laid down under Section
438(2) CrPC.

(Nawneet Kumar Pandey, J)

jyoti/Sonali

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