

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53712 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- MADHUBANI TOWN District-
Madhubani

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Kishan Ram Son Of Binod Ram R/O Mohalla - Near Private Bus Stand,
Madhubani, Ward No.- 8, P.O. And P.S.- Madhubani Town, District -
Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana

For the Opposite Party/s : Mr.Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 18-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 376(D) of the Indian Penal Code and Sections
4, 8 and 12 of the POCSO Act.

As per the prosecution case, the victim along
with Rajesh Kumar was going on E-Rikshaw and when
they reached near the V-Mart, two accused persons sat



in the E-rickshaw and started molesting the victim. Later one more accused person came on a motorcycle and the two accused persons sitting in the E-Rickshaw forcefully made the victim sit on the motorcycle and they took the victim to a lonely place beside bus stand and committed rape on her. Further, two unknown miscreants came and tried to commit rape on her. Meanwhile, Rajesh Kumar informed the police and when the police reached at the place of occurrence, accused persons started fleeing away but three accused persons were apprehended. The victim alleged that the apprehended accused Shiva Kumar and petitioner Kishan Ram have committed rape on the victim and third co-accused Pankaj Ram made an attempt to commit rape on her.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. Learned counsel has further submitted that as per the statement of the victim recorded under Section 164 of the Cr.P.C, the Court has



assessed the age of the victim as 20 years. Learned counsel further submits that the occurrence took place on 26.02.2022 and the same day medical examination was conducted and as per the medical report of the medical board, no medical evidence of sexual assault was found. The medical report also suggests that no external or internal injury was found on the private part of the victim. The petitioner is languishing in custody since 27.02.2022. Moreover, similarly situated co-accused Shiva Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 13.12.2022 passed in Cr. Misc. No. 50606 of 2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that it is a case of gang rape.

In the facts and circumstance of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-VI-
cum-Special Judge(POCSO Act), Madhbani in connection
with Madhubani Town P.S. Case No. 77 of 2022.

(Sunil Kumar Panwar, J)

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