

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15732 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- PARSA District- Saran

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Budhan Ram S/o Shiv Prasad Ram @ Jama Ram R/o vill - Bishunpur, P.S. -
Parsa, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Adv.
For the informant	:	Mr. Gopal Govind Mishra, Adv.
		Mr. Munna Kumar Upadhyay, Adv.
For the Opposite Party/s :		Mr.Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 22-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial POCSO No. 66/ 2023 arising out of Parsa P.S. Case No. 77 of 2023 dated 24.03.2023 registered for the offences punishable u/ss 376 of the Indian Penal Code, u/ss 4 and 6 of the POCSO Act and u/ss 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant's daughter. It is further alleged that when police apprehended the petitioner from his house then the smell of alcohol was coming from his mouth.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. As per the medical report of the victim, there is no evidence of recent sexual intercourse. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.11.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the age of the victim is 6 years and she is minor girl.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra in connection with Session Trial POCSO No. 66/2023 arising out of Parsa P.S. Case No. 77 of 2023 with the condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date,



failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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