

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16696 of 2024

Arising Out of PS. Case No.-828 Year-2023 Thana- MALSALAMI District- Patna

1. Rajesh Kumar Son of Virja Gop @ Virja Prasad Yadav R/o- Noorpur, P.S.- Malsalami, Dist.- Patna
2. Ram Naresh Ray @ Naresh Ray Son of Late Shivdahin Ray R/o- Rikabganj, P.S.- Malsalami, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Nityanand Kumar, Advocate
For the Opposite Party : Mr. Ram Sevak Choudhary, A.P.P

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-08-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Malsalami P.S. Case No. 828/2023 (Spl Case No. 12/2024) dated 21.12.2023 registered for the offence punishable u/s 354, 376D, 506 read with 34 of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

3. As per the prosecution case, the petitioners are alleged to have teased the informant by making bad signals. It is further alleged that five days ago, when the informant was passing, both the petitioners held the informant's hand and took her to a house and gave Rs. 500/- and did wrong with her.



Further, the petitioners threatened to kill the informant, if she would tell her parents about this incident. Again on 21.12.2023 at about 6 PM, when the informant was going in the street, the petitioners started holding her hand and taking her to home. On *halla*, nearby people gathered there and called 112 then both the petitioners were caught by the police.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Learned counsel has submitted that initially the informant has supported the prosecution case but during the course of cross-examination, the victim has stated that no one committed wrong with her. As per the Medical Report, there is no evidence of external injury over the private part or any other part of the body. As per 2nd Supplementary Affidavit, the victim in her deposition has denied to recognize the petitioners and further stated that she took the name of the petitioners on the basis of statement of local people. The petitioner no. 1 is accused in one criminal case and the petitioner no. 2 is accused in two other criminal cases as stated in para 3 of the bail petition. The petitioners are in custody since 22.12.2023

5. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioners by submitting that the victim is a minor girl. It is further alleged that the victim in her statement recorded u/s 161 of the Cr.P.C. has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Malsalami P.S. Case No. 828/2023 (Spl Case No. 12/2024), with the condition:-

(i). The petitioners are 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 bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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