

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35234 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- KAUWAKOL District- Nawada

Binay Ram @ Vinay Kumar Son of Yadu Ram Resident of Village - Pali, P.S.
- Kawakol, District - Nawada.

... .. Petitioner

Versus

1. The State of Bihar
2. Chano Devi wife of Sunil Manjhi Resident of Village - Pali, P.S. - Kawakol,
District - Nawada.

... .. Opposite Partys

Appearance :

For the Petitioner	:	Mr. Bijendra Kumar, Adv
For the Opposite Party	:	Mr. Binay Krishna, APP
For the Informant	:	Mr. Arvind Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner as well as

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 Kawakol P.S Case No.
100/2024 dated 18.03.2024 registered for the offences
punishable under Sections 376 read with Section 34 of the
Indian Penal Code, Sections 4 and 6 of the POCSO Act and
Sections 3(i)(r)(s), 3(2)(v) of the SC/ST Act.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have got the informant's
minor daughter boarded on the tempo forcibly. Thereafter, the



co-accused persons committed rape on the informant's minor daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that no member of public was present at the relevant point of time and date of the alleged occurrence hence no case under the SC/ST Act is made out. Learned counsel has submitted that the petitioner is implicated in this case only because he is driver of the auto. Learned counsel has further submitted that the victim in her statement recorded u/s 164 of the Cr.P.C. has not levelled the allegation against the petitioner rather she has stated that name of the co-accused persons, Raushan and Suraj. The specific allegation of committing rape is against the co-accused persons, Raushan and Suraj. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.03.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner by submitting that the victim is a 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, Nawada in connection with Kawakol P.S Case No. 100/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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