

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24754 of 2025

Arising out of PS. Case No.-224 Year-2023 Thana- ADAPUR District- East Champaran

Sadam Dewan @ Saddam Dewan, S/o Manjar Devan @ Mangar Dewan, R/o Village- Tarwa Tola Kachurwari, P.S.- Adapur, Harpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 14-05-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with S.Tr. No. 271 of 2025 arising out of Adapur (Harpur) P.S. Case No. 224 of 2023 instituted for the offences under Sections 342 and 376/34 of Indian Penal Code and Section 67 of the Information Technology Act. He has no criminal antecedent.

3. Earlier, the bail of the petitioner was rejected by a Co-ordinate Bench of this court *vide* order dated 27.01.2025 passed in Cr. Misc. No. 86309 of 2024 with liberty to renew his prayer for bail after framing of charge. Therefore, the petitioner has renewed his prayer for bail after framing of charge which has been framed on 10.03.2025.



4. As per the FIR, the allegation against the petitioner is that he had committed rape of the victim and the said incident was being recorded by other co-accused person and the said video was also stated to be made viral.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case as, *prima facie*, it would appear that the occurrence is said to have taken place on 07.07.2023, however, the FIR was belatedly filed on 21.07.2023. Learned counsel for the petitioner further submits that there is no eye-witness to the incident and from the statement of the victim there appears to be contradiction. Moreover, medical report also does not support the case of the prosecution. It has also been submitted by learned counsel for the petitioner that the petitioner has clean antecedent and is in custody since 07.09.2024.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the victim has specifically named this petitioner to have committed rape upon her.

7. Considering the aforesaid submissions of respective counsel and taking into account the liberty which was granted to the petitioner to renew his prayer for bail *vide* order



dated 27.01.2025 passed in Cr. Misc. No. 86309 of 2024 after framing of charge which the learned counsel for the petitioner has stated to have been framed on 10.03.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special POCSO Court-III, East Champaran at Motihari (or his successor) in connection with S. Tr. No. 271 of 2025 arising out of Adapur (Harpur) P.S. Case No. 224 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent



of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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