

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60382 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- AMNAUR District- Saran

1. Lal Babu Ram Son of Asharfi Ram R/o Village - Gosi Amnaur, P.S. - Amnaur, District - Saran
2. Sarvjeet Ram Son of Bijali Ram R/o Village - Gosi Amnaur, P.S. - Amnaur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-01-2023 Heard learned counsels for the petitioners and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

This is second attempt of the petitioners to seek bail in
connection with Amnour P.S. Case No. 163 of 2021, registered
for the alleged offences under Sections 376, 120(B), 201 and 34
of the Indian Penal Code and Sections 67 and 67(A) of the
Information Technology Act, 2000, as earlier the prayer for bail
of the petitioners was rejected vide order dated 27.06.2022
passed in Criminal Misc. No. 55989 of 2021 along with
Criminal Misc. No. 58697 of 2021 by this Court. While



rejecting the prayer for bail of the petitioners, they were granted liberty to renew their prayer for bail, if the trial was not concluded within three months.

On the last date of hearing, a report was called for from the learned trial court, which has been received, wherein it is submitted that out of 10 charge-sheet named witnesses, 09 witnesses have been examined. This report is of dated 12.01.2023.

As per prosecution case, the allegation against the petitioner is that while the co-accused committed rape upon the victim lady, the petitioners recorded the same on their mobile phones and made that video viral.

Learned counsel for the petitioners submits that the victim lady is not the informant of the case and the case was registered by the police personnel. The allegation of committing rape is not against the petitioners and the evidence of the victim lady and her brother-in-law has been recorded in the learned court below wherein she has denied the occurrence and did not identify any of the accused persons. Similarly, the brother-in-law of the victim lady has also not supported the prosecution case. It has further been submitted that even after the direction of this Court while rejecting the earlier prayer for bail of the



petitioner, the trial is not concluded till date and the petitioners were at liberty to renew their prayer for bail if the trial is not concluded within three months. The petitioners are in custody since 08.07.2021 and no useful purpose would be served in keeping the petitioners in custody as the trial would ultimately result in acquittal since the victim and the witness have not supported the prosecution story.

Learned APP for the State oppose the prayer for bail submitting that the victim and her brother-in-law supported the prosecution case before the police as well as in statement recorded under Section 164 of Cr.P.C.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that despite passage of more than six months, trial has not been concluded, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge- 1st Saran at Chapra, in connection with in connection with Amnour P.S. Case No. 163 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

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



the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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