

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B. A. No. 7998 of 2021

Anand Kumar Choubey @ Asmer Choubey ... Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner : Mr. Pankaj Srivastava, Advocate

For the Opposite Party : Mr. Sanat Kumar Jha, A.P.P.

2/07.09.2021 Heard the parties.

The petitioner is an accused in connection with Majhiaon P.S. Case No. 146 of 2020 corresponding to POCSO Case No. 20 of 2021.

It has been alleged that while the informant was going to the field, co-accused Bipin Pandey along with another person had come and subjected her to rape.

It has been stated by the learned counsel for the petitioner that the petitioner is not named in the FIR.

In the statement under Section 164 Cr.P.C. of the victim, she has disclosed the name of some other accused persons for committing rape upon her, but the petitioner was not named therein also.

Learned counsel for the petitioner submits that at the instance of Investigating Officer, the petitioner was made to be identified by the informant in the T.I.P. It has also been stated that the DNA profile of the accused - petitioner did not match with that of the victim. Learned counsel further submits that the petitioner is in custody since 08.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail and has submitted that the petitioner was identified in the T.I.P.

It appears that the basis for implication of the petitioner seems to be the T.I.P. in which the informant had identified him. Learned A.P.P. has sent the report of F.S.L. and it appears that the DNA profile generated from the blood positive gauze piece cuttings of the present petitioner did not match with the DNA profile marked as Exhibit A which is blood and semen positive panty cuttings of the informant. In fact the DNA profiling indicated that the blood positive gauze piece

cuttings of the accused Mithilesh Choudhary was found present in the DNA profile of the Exhibit mark A, which indicates complicity of Mithilesh Choudhary in committing rape upon the informant. Thus, the scientific examination in fact rules out the participation of the petitioner in the commission of rape upon the informant.

On consideration of the aforesaid facts, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Special Court, POCSO, Garhwa in connection with Majhiaon P.S. Case No. 146 of 2020 corresponding to POCSO Case No. 20 of 2021.

(Rongon Mukhopadhyay, J)