

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41770 of 2015

Arising Out of PS.Case No. -587 Year- 2014 Thana -RUNISAIDPUR District- SITAMARHI

NITESH KUMAR @NITISH KUMAR @NITSH KUMAR, son of
Sikandar Mahto, resident of village-Runnisaidpur Ghat, P.S. Runnisaidpur,
Distt. Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Navin Kumar Pandey(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-10-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Section 376 of the Indian Penal Code and 4, 5, 7, 8, 10, 18 of
POCSO Act.

Allegation against the petitioner is to have committed
rape upon the informant.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. He is in custody since 28.7.2015.
There is no allegation of tampering of evidence against the
petitioner. Prior to institution of the present case, a case was
instituted by the father of the petitioner on 19.12.2014 where
father of the informant was made accused and in retaliation the
present case has been instituted against the petitioner. From the
medical examination it appears that the doctor has given no
finding in respect to commission of rape upon the victim. Further,
the victim vide Annexure-4 to the petition filed in the court below
has denied the allegation made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is

named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge cum Special Judge, Sitamarhi, in connection with Runnisaidpur P.S. Case no. 587 of 2014.

(Sudhir Singh, J)

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