

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42283 of 2015

Arising out of PS.Case No. -185 Year- 2015 Thana -BAIRIYA District- WEST
CHAMPARAN(BETTIAH)

Sipahi Sah (Turha), son of Late Nathuni Sah, resident of village- Hat
Saraiya, P.S.- Bairiya, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Mr. Umanath Mishra(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 15-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State

The petitioner is languishing in custody since 09.07.2015
in connection with S.G.R. No. 62 of 2015, arising out of Bairiya
P.S. Case No. 185 of 2015 for the offences instituted under
Sections 376 of the IPC and 4/6 of the POCSO Act.

The accusation is of committing rape upon the informant
by the petitioner.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 09.07.2015 and the charge sheet has
been submitted in the case. There is no allegation of tampering
with the evidence against the petitioner. The 164 Cr.P.C. statement

of the victim is Annexure-2 to the present application. From perusal of 164 Cr. P.C. statement and the statement made in the F.I.R., it will appear that both the statements of the victim are contrary to each other and different manner of occurrence have been stated. The Medical Report which is Annexure-3 indicates that there is no sign of sexual assault on the victim. It is further submitted that the petitioner may be released after completion of six months in custody from 09.07.2015.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner may be released on bail after completion of six months in custody from 09.07.2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Special Court under POCSO Act, West Champaran, Bettiah, in connection with S.G.R. No. 62 of 2015, arising out of Bairiya P.S. Case No. 185 of 2015.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)