

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20241 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -DELHA District- GAYA

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NAWAL KISHORE @ NAWAL KISHOR, S/O RAMASHARAY
YADAV, RESIDENT OF VILLAGE - MURERA, P.S. - KONCH,
DISTRICT - GAYA.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR.

.... OPPOSITE PARTY/S

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh
For the Opposite Party/s : Mr. Anil Kumar Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

3 16-09-2015 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with POCSO
Trial No. 15 of 2015 arising out of Delha P.S. Case No. 39 of
2015 registered under Sections 376/511 of the Indian Penal Code
and Section 18 of the POCSO Act.

The accusation is that petitioner tried to commit rape
on Misha Bharti, aged about 8 years, daughter of informant, in the
night, where Misha Bharti and her brothers were sleeping.

Learned counsel for the petitioner submits that while
in the F.I.R. the age of the victim has mentioned as 8 years but in
the medical examination the age of the victim has been assessed as

16 years, which would appear from annexure 3 to the supplementary affidavit. It is further submitted that victim, Misha Bharti, in her statement has only said about trying to commit rape by this petitioner. It is further submitted that petitioner is the care taker of the house, in which, petitioner along with informant are residing and on asking to vacate the house to the informant, this false case has been lodged. It is further submitted that petitioner has no criminal antecedent and is in custody since 26.02.2015.

Having regard to the facts and the circumstances of the case, 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 Additional Sessions Judge-Ist cum-Special Judge (POSCO Act), Gaya, in connection with POCSO Trial No. 15 of 2015 arising out of Delha P.S. Case No. 39 of 2015. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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