

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39545 of 2015

Arising out of PS.Case No. -448 Year- 2014 Thana -BARACHATTI District- GAYA

Rakesh Kumar, S/o Rajendra Prasad @ Rajendra Prasad Keshari, resident of Village - Barachatti Gajaragarh, P.S. Barachatti, District - Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate.

For the Opposite Party : Mr. Uday Pratap Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 12-10-2015 Heard learned senior counsel for the petitioner and learned counsel for the State

The petitioner is languishing in custody since 03.08.2015 in connection with POCSO Case No. 05/2015, arising out of Barachatti P.S. Case No. 448 of 2014 for the offences instituted under Sections 376 of the IPC and 6, 8 of the Protection of Children from Sexual Offence Act, 2012.

The prosecution story, in brief, is that the petitioner accused has committed rape upon prosecutrix being her school teacher and manufactured blue tooth after making photograph from mobile.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. The petitioner is in

custody since 03.08.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering with the evidence against the petitioner. The alleged date of occurrence said to be 29.07.2014 and the case has been instituted on 13.09.2014 for which no explanation has been given by the prosecution. The 164 Cr. P.C. statement of the victim and the statement made in the fardbeyan, there are contradictions in both the statements. Prior to institution of the present case, the petitioner had filed an informatory petition dated 29.08.2014.

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, let the petitioner above named, 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 the learned Additional District Judge-1st, Gaya, in connection with POCSO Case No. 05/2015, arising out of Barachatti P.S. Case No. 448/2014.

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(Sudhir Singh, J)