

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24777 of 2015

Arising Out of PS.Case No. -17 Year- 2014 Thana -SC/ST District- -

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Mithun Kumar @ Mithun Mandal Son of Subhash Mandal, Resident of
village - Koshkipur, Police Station - Tikapatti, District - Purnea

.... Petitioner

Versus

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Adv.

For the Opposite Party/s : Mr. Ambika Bhagat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 09-10-2015 Heard Sri Viveka Nand Singh, learned counsel for the

petitioner and Sri Ambika Bhagat, learned Addl. Public

Prosecutor.

The petitioner, who is in custody since 13.02.2015 in
connection with Naugachia SC/ST P.S.Case no.17/2014,
registered for the offence under Sections 376, 342, 313/34 of the
Indian Penal Code, Sections 3(1)(x) of the SC/ST Act and Section
4 of the POCSO Act, has prayed for grant of bail.

It was submitted by learned counsel for the petitioner
that even as per F.I.R. it was alleged that the victim was raped by
the petitioner in the month of February,2014, however F.I.R. was
lodged after about ten months from the alleged date of occurrence
i.e.01.12.2014. He further submits that as per the F.I.R. the
informant had stated that after the rape, she conceived and

assurance was given by the petitioner for marriage. When *foetus* was about nine months, on the plea of marriage, she was taken away and by force, abortion was conducted. He submits that the allegation is itself falsified on the ground that after such a long time, there is no question of conducting abortion. By way of referring to Annexure-2 to the present petition i.e. the report of the doctor, who had examined the victim, he submits that the report also does not indicate regarding any sign of rape nor any finding has been recorded as to whether abortion had taken place or the victim had given birth to any child. In view of aforesaid facts and circumstances, it has been argued that the petitioner has falsely been implicated in the present case.

In view of facts and circumstances, the Court is of the opinion that it is a fit case for extending the privilege of bail. Let the petitioner Mithun Kumar @ Mithun Mandal be enlarged 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 1st Additional District & Sessions Judge-cum- Special Judge, Bhagalpur in connection with Naugachia SC/ST P.S. Case No.17 /2014.

(Rakesh Kumar, J)

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