

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3342 of 2016

Arising Out of PS.Case No. -176 Year- 2015 Thana -GIRIYAK District- NALANDA
(BIHARSHARIFF)

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1. MITHLESH KUMAR @ MITHLESH PRASAD Son of Late Sarjug
Mahto R/o Village - Dasrathpur, Police Station - Giriyak, District -
Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh

For the Opposite Party/s : Mr. Bharat Lal(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 17-03-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under section 376 of the I.P.C and sections 3 (A) (B)
(C) and 4 of the POCSO Act.

Allegedly, the petitioner being the uncle of Chhoti
Kumari @ Soni Kumari aged 16 years used to commit rape with
her after giving injection and making her senseless resulting she
became pregnant.

Submission is of false implication and that the
informant-victim has given different version on different days
which is evident from paragraph-1, pages- 3, 4 and 5 of the case

diary, the petitioner is a compounder and has got prestige in the society, the informant is mentally weak and after being instigated by the enemy of the petitioner she has lodged this case falsely, after inordinate delay the case has been lodged and as such the petitioner deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner has ruined the life of the informant and that the informant in her statement recorded under section 164 Cr.P.C. has also supported the allegation.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, serious in nature, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Giriyak (Pawapuri) P.S. Case No. 176 of 2015 pending in the Court of C.J.M. Nalanda at Biharsharif.

(Jitendra Mohan Sharma, J)

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