

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10100 of 2016

Arising Out of PS.Case No. -43 Year- 2016 Thana -BETTIAH TOWN District-
WESTCHAMPARAN(BETTIAH)

=====

1. Pankaj Kumar @ Kallu son of Mahaveer Prasad, R/o Muhalla- Kalibag,
Ward No. 4, P.S.- Bettiah Town (Kalibag O.P.), District- West Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Indu Bala Panday(App)

=====

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

3 12-04-2016 Heard the learned counsel for the petitioner and

the learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Bettiah Town (Kalibag O.P.) P.S. Case No. 43 of 2016
registered for the offences punishable under Section 376/511 of
the Indian Penal Code and Section 8 of POCSO Act.

Allegedly, the petitioner attempted to commit
rape with the daughter of the informant whose mental condition
is not good.

Submission is of false implication and that the
victim has been found aged 15 years by the Doctor, she has
been examined under Section 164 of the Code of Criminal
Procedure wherein she has stated that the petitioner has

committed nothing with her and further, in the statement of the informant recorded under Section 164 of the Code of Criminal Procedure, there is contradiction from First Information Report and, as such, the petitioner who is suffering in custody since 19.01.2016, deserves sympathetic consideration, to which the learned APP fairly submits that the victim girl has not stated anything against the petitioner before the learned Magistrate.

In the facts and circumstances stated above, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st cum Special Judge, Bettiah, West Champaran in connection with Bettiah Town (Kalibag) P.S. Case No. 43 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

ajaypd./-

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

(Jitendra Mohan Sharma, J)