

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19873 of 2016

Arising Out of PS.Case No. -75 Year- 2015 Thana -PIYAR District- MUZAFFARPUR

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1. Raja @ Rajan Kumar @ Rajan Chaudhary Son of Late Vijay Kumar
Chaudhary Resident of village - Bagahin, P.S. Pear, District - Muzaffarpur
..... Petitioner/s

Versus

1. The State of Bihar
..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore(App)

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

5 11-07-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Trial No.
56 of 2015 arising out of Pear P.S. Case No. 75 of 2015 registered
for the offences punishable under Section 376 of the Indian Penal
Code and Section 4 and 8 of the POCSO Act.

Allegedly, the petitioner tried to commit rape with a
minor girl aged 11 years old, the informant, after opening paint
and pressing her mouth.

Submission is of false implication and that from the
First Information Report itself no offence under Section 376 IPC
is made out as there was no penetration, the petitioner has been
made victim of village politics. The doctor who has examined the
informant has found the hymen intact and also no sign of rape was
found, the petitioner without any fault is suffering in custody since

07.09.2015 after his surrender, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering the detention of the petitioner and further there is no chance of tampering with the prosecution evidence and, as such, 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 1st Addl. Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Trial No. 56 of 2015 arising out of Pear P.S. Case No. 75 of 2015 subject to the conditions that one of the bailors must be 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.

(Jitendra Mohan Sharma, J)

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