

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19104 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -RUPASPUR District- PATNA

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1. Dilip Kumar @ Deepak Son of Shri Haridwar Sah, R/o Near P.N.B. Parsa Bazaar P.S. - Parsa Bazaar District Patna presently r/o Flat No. 303 Vashishta Enclave Lohiyapath, P.S. - Rupaspur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

For the Opposite Party/s : Mr. Shyam Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 29-06-2016 Supplementary affidavit has been filed on behalf of the petitioner annexing the copy of deposition of prosecution witness Muskan, let it be kept on record.

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Special (POCSO) Case No. 02 of 2016 arising out of Rupaspur P.S. Case No. 04 of 2016 registered for the offences punishable under Sections 323, 366-A, 372, 373, 376/34 and 120-B of the Indian Penal Code and Sections 4, 8 and 12 of POCSO Act.

Allegedly, in Flat No. 205 of Plutus Apartment situated at Mahuabag, raid was conducted and two minor girls,



namely, Neha Kumari and Muskan and three male including the petitioner were apprehended and during search several incriminating articles as per seizure list were recovered and both Neha Kuamri and Muskan stated that they were sold by Suresh Giri to the petitioner and the petitioner got indulged them in flesh trade.

Submission is of false implication and that the petitioner has been made victim of police atrocity, during investigation the statement of victim girls were not recorded under Section 164 Cr.P.C. and without obtaining medical report, chargesheet has been submitted. During trial both the victims have not supported the prosecution version and they have stated regarding the innocence of the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. submits that the victim girls during trial have turned hostile.

In the facts and circumstances stated above, now the petitioner 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 Special Judge, POCSO, Patna i.e. the learned Additional District and Sessions Judge-I, Patna in connection with Special (POCSO) Case No. 02

of 2016 arising out of Rupaspur P.S. Case No. 04 of 2016 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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