

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21757 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

Ravi Chandra @ Bikku Bhaiya @ Bittu Bhaiya @ Rinku Bhaiya @ Binku Bhaiya son of Ramendra Kumar, Shambhu @ Shambhu Singh, R/o mohalla- Chackbasa, P.S.- Mithanpura, District- Muzaffarpur. .. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar
For the Opposite Party/s : Mr. M.Rab(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 15-07-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Mithanpura P.S. Case No. 13 of 2016 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 4, 8 and 12 of POCSO Act.

Allegedly, the petitioner being a teacher in Pioneer School, Rambagh opened the paint of the informant aged 7 years and further opened his own paint and did wrong work.

Submission is of false implication and that FIR has been lodged after delay of four days, during medical examination no injury was found on the person of the victim or on her private part, the cloth of the victim was also not produced, the petitioner was also not examined by the doctor, independent witnesses have not supported the prosecution case, after completing investigation chargesheet has been

submitted under Sections 376/511 of the Indian Penal Code and Sections 8/12 of the POCSO Act, the petitioner is suffering in custody since 09.01.2016 and as such he deserves sympathetic consideration. Learned counsel for the petitioner referred paragraph 52 and 53 of the case diary.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering that chargesheet has not been submitted under Section 376 IPC and further the independent witnesses vide paragraph 52 and 53 of the case diary have not supported the prosecution version, 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 Special Court, POCSO Act, Muzaffarpur in connection with Mithanpura P.S. Case No. 13 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.

(Jitendra Mohan Sharma, J)

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