

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34963 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -DHANARUA District- PATNA

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Pintoo Kumar @ Chintoo Kumar, son of Shri Sunil Mistri, resident of
Village- Sikoha, Post Office- Patharahat Police Station- Dhanarua, District-
Patna, State Bihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh -5, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-10-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Dhanarua P.S. Case No. 65 of 2016, G.R. No. 216 of 2016

registered for the offence punishable under Sections 376 and 511

of the Indian Penal Code and Sections 4, 6 and 8 of the POCSO

Act.

The prosecution case is that on 14.02.2016 at

about 5:30 P.M. while the daughter of the informant, namely,

Pratima Kumari was playing in front of the house of the petitioner,

petitioner took her in his house and tried to commit rape on her.

It has been submitted by the learned counsel for

the petitioner that he is innocent and has no criminal history, as is

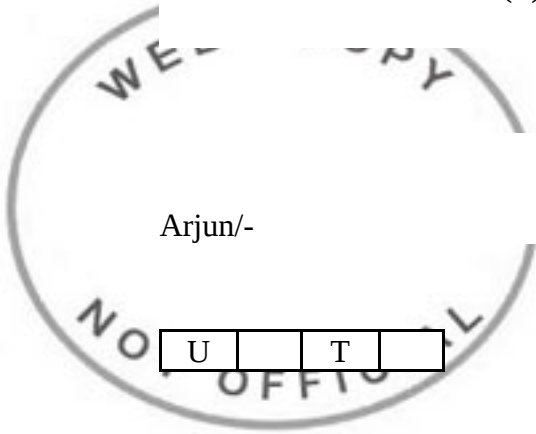


evident from paragraph 3 of this application and there is previous enmity between the parties regarding watering of the field by pump two days earlier to the alleged occurrence. It has further been submitted that large number of children were playing near the house of the petitioner and such incident has not been supported by the witnesses, who were neighbours, as evident from paragraphs 18, 19 and 51 of the case diary. He further submits that no case either under Section 376 of the Indian Penal Code or Sections 4, 6 and 8 of the POCSO Act is made out against the petitioner.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the allegations are not supported by the independent witnesses and there is previous enmity between the parties, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Masaurhi, Patna in connection with Dhanarua P.S. Case No. 65 of 2016, G.R. No.

216 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



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(Nilu Agrawal, J.)