

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57553 of 2015

Arising Out of PS.Case No. -50 Year- 2015 Thana -BOCHAHAN District- MUZAFFARPUR

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Rakesh Kumar @ Rakesh Paswan S/o Lakshman Paswan R/o village-
Ragho Majhauri, P.S.- Bochahan, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. Kiran Kumari D/O Manoj Paswan R/o village- Kanhara Ragho P.S.-
Bochahan, District- Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ S.K., Advocate

For the State : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL ORDER

3 12-02-2016 I have heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in connection with
Bochahan P.S. Case No. 50 of 2015 registered for offences
punishable under Sections 376/511 of the Indian Penal Code and
8 of Protection of Children from Sexual Offences Act.

As per allegation the victim girl on the date of
occurrence was sleeping with sister and brother but the statement
of sister and brother of the victim recorded under Section 161 of
Cr.P.C. by the police have not said anything. The Sessions
Judge has also taken note in the order that from case diary it
appears that witnesses of village have stated in support of the

accused that the father of the victim girl had taken loan from the petitioner and could not repay and that was the genesis of the first information report. However, it is contended that even from the allegation made in first information report also no case under Section 376 of IPC and other sections is made out.

Learned counsel for the State submitted that one Madan Paswan has supported the allegation. However, that statement is only on the basis of hearsay. He could not be able to demonstrate from the case diary regarding any other material collected during the course of investigation against the petitioner.

Having regard to the facts and circumstances of the case, let the petitioner, namely, Rakesh Kumar @ Rakesh Paswan be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Bochahan P.S. Case No. 50 of 2015, on furnishing bail bond of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of 1st Addl. Sessions Judge cum Spl. Judge, POCSO, Muzaffarpur subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

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(Dr. Ravi Ranjan, J)