

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15707 of 2016

Arising Out of PS.Case No. -239 Year- 2014 Thana -PATRAKARNAGAR District- PATNA

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Mangal Singh Athani @ Mangal Singh, Son of Late Darwari Rai, Resident
of Mohalla-Jogipur Near Braham Asthan, P.S.-Patrakar Nagar, District-
Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. B.M.P.Sinha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 25-05-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is languishing in custody since 11.05.2015 in
connection with Special (POCSO) Case No. 43 of 2014 arising out
of Patrakar Nagar P.S. Case No. 239 of 2014 for the offences
alleged under Section 354 of the Indian Penal Code and Section 8
of the POCSO Act.

The allegation against the petitioner is that he used to
do obscene acts and obscene talks with a ten years old minor
daughter of the informant.

Learned counsel for the petitioner submits that a loan of
Rs. 1,00,000/- was taken by the informant from this petitioner only
a week back with a condition to return it within four months but

with the intention of not returning this amount, a false case has been instituted against him. He further submits that the victim's statement under Section 164 of the Code of Criminal Procedure has been recorded nearly about seven months of the date of occurrence and appears to be tutored as the victim girl has stated that she has come to depose in order to send the petitioner to jail.

However, learned A.P.P. for the State submits that the victim minor girl's statement under Section 164 of the Code of Criminal Procedure has also affirmed that the petitioner used to do obscene act and obscene talk with her.

However, considering the period of custody and that the statement under Section 164 of the Code of Criminal Procedure also arouses suspicion, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna in connection with Special (POCSO) Case No. 43 of 2014 arising out of Patrakar Nagar P.S. Case No. 239 of 2014.

(Nilu Agrawal, J)

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