

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 25289 of 2016

Arising out of P.S. Case No. -186 Year- 2015 Thana -RAJAULI
District- NAWADA

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TINKAL KUMAR @ TWINKAL KUMAR Son of Vijay Yadav
Resident of Village- Bhupatpur, PS Rajauli, District Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s: Mr. Uma Nath Mishra (APP)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

04. 11.08.2016

Supplementary-Affidavit filed today on behalf of

the Petitioner be kept on record.

Heard learned counsel for the Petitioner and
learned counsel for the State.

The Petitioner is languishing in custody since
28.10.2015 in connection with Rajauli P.S. Case No. 186
of 2015 pending in the Court of Additional Sessions
Judge-I, Nawada for the offences registered under
Sections 363, 366(A) and 376/34 of the Indian Penal
Code and Sections 6/8 of the POCSO Act.

The prosecution case, in brief, as alleged in the
FIR is that when the Informant, Puja Kumari was
returning with her friend, Sapna Kumari from tuition, in
the way, the petitioner and Pankaj Kumar forcibly took
away them and committed rape.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.10.2016. Charge-sheet has been submitted in the case. The petitioner has no criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. The FIR has been instituted after three days of the alleged occurrence. The delay has not been explained on behalf of the prosecution. Subsequently, the matter has been settled vide Annexure-3 of the supplementary-affidavit. There was love affair of the petitioner with the Informant.

On behalf of the State, it has been submitted that the petitioner is named in the FIR.

Considering the aforesaid facts and circumstances of the case, let the Petitioner, above named be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Nawada in connection with POCSO Case No. 26 of 2015 arising out of Rajauli P.S. Case No. 186 of 2015.

(Sudhir Singh, J.)

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