

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30988 of 2016

Arising Out of PS.Case No. -117 Year- 2015 Thana -SHIWAPATHI District- MUZAFFARPUR

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Binod Kumar Nirala Son of Ram Briksh Prasad, Resident of Village-
Paigambarpur, P.S. Shiwaipatti, District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 14-09-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 376, 511 of the I.P.C. and Section 8 of the POCSO Act.

The prosecution story, in brief, is that on 13.10.2015 the informant's daughter had gone to School, but she was restrained by the petitioner, who is the Headmaster of the School and bringing water from her. When she went by taking water the petitioner closed the room and attempted to commit rape with her. He forcibly caught her and started to teeth biting on her chick and also opened her pant, but due to crying and weeping of the victim the petitioner could not succeed in his mission. Then, the petitioner threatened her daughter not to say anyone.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.2.2016 and the charge sheet

has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. In paragraphs 54, 55 and 56 of the case diary, it has been stated that the petitioner has falsely been implicated in the present case by the informant. The informant refused to get the medical examination of the victim girl, which is evident from paragraph 74 of the case diary. Vide Annexure-2, a petition has been filed by the informant stating that due to mistake of fact she has instituted the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that 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 learned Special Judge, POCSO, Muzaffarpur in connection with Shiwaipatti P.S. case No.117 of 2015.

(Sudhir Singh, J)

Narendra/-

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