

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18022 of 2016**

Arising Out of PS.Case No. -8 Year- 2016 Thana -BELDAUR District- KHAGARIA

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1. Dharmendra Kumar Singh @ Dharmendra Singh Son of Late Rajendra Prasad Singh, Resident of Village - Mahinath Nagar, P.S. - Beldaur, District - Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Choudhary

For the Opposite Party/s : Mr. Anil Pd.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

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

The petitioner is an accused in a case registered under Sections 376/120( B) of the Indian Penal Code and 3 /4 of POCSO Act.

The allegation against the petitioner is of committing rape upon the daughter of the informant.

It is submitted on behalf of the petitioner that the petitioner is in custody since 27.01.2016. Charge sheet has been submitted in the case. The petitioner has got no criminal antecedent. The informant is the mother of the victim. She has alleged with respect to commission of rape by the petitioner upon the victim. Annexure-2 is the statement of the victim before the Officer Incharge, Mahila Police Station, Khagaria, where the victim has not made any allegation in respect to physical abuse

made by the petitioner. Subsequently the victim retracted from the said statement made before Mahila Police Station and in her statement recorded under Section 164 Cr.P.C. she made allegation of physical abuse against the petitioner.

From perusal of Medical Examination Report of the doctor it appears that there is no mark of violence upon the victim. Vaginal swab was sent for pathological examination. From perusal of the case diary it appears that there is no report of pathological examination to support the allegation made by the victim.

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

Having considered the facts and circumstances of the case, let, above named petitioner, 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 1<sup>st</sup> Additional Sessions Judge, Khagaria, District- Khagaria in connection with POCSO Case No. 02/2016 arising out of Beldaur P.S.Case No. 08 of 2016.

**(Sudhir Singh, J)**

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