

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25349 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA

Bijal Poddar, Son of Late Chualal Poddar, resident of Singrauli Police Station- Bakhtiyarpur (Balwahat O.P.), District- Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Satish Kumar Singh, Advocate.

For the Opposite Party : Mr. Yogendra Kumar Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 22-09-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 02.03.2016 in connection with POCSO 07 of 2016, arising out of Bakhtiyarpur (Balwahat) P.S. Case No. 60 of 2016 for the offences instituted under Sections 376/34 of the IPC and 8 of the POCSO Act.

The prosecution story, in brief, is that the informant, namely, Manisha Kumari, aged about 12 years, gave her statement before the S.I. on 29.02.2016 at 12.40 P.M. alleging inter alia that at the evening of 27.02.2016, while she went towards the wheat field for call of nature, the wife of the petitioner called her with assurance to take tortoise and while the informant reached there to



take the same, she was forcibly pushed and thereafter the petitioner climbed over her and when she started weeping the wife of the petitioner administered Saree in her mouth, and thereafter this petitioner allegedly brought her to the house and administered two sleeping tablets. When she got sense next day evening she stated the whole incident to her Badi Maan. Thereafter, a panchayati was held in the morning of 29.02.2016, but no decision was taken by the Panchayat, and then she allegedly came at Simari Bakhtiyarpur Hospital with her brother and recorded her statement.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 02.03.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. FIR has been instituted after two days of the alleged occurrence. The delay has not been explained by the prosecution. The medical examination report of the victim does not support the allegations made in the FIR. There is an admitted land dispute between the parties and both the petitioner and the informant are neighbours.

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

Considering the aforesaid facts and circumstances, 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 the learned Additional District and Sessions Judge-Ist-cum- Special Judge, Saharsa, in connection with POCSO 07/2016, arising out of Bakhtiyarpur (Balwahat) P.S. Case No. 60 of 2016.

U.K./-

(Sudhir Singh, J)

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