

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23261 of 2017

Arising Out of PS.Case No. -95 Year- 2016 Thana -MAHILA P.S. District- SIWAN

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Bharat Singh son of Sudarshan Singh Resident of Village - Imaliya, Dumra,
Police Station - Bhore, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-06-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.11.2016 in connection with POCSO Trial No. 74 of 2017
arising out of Siwan (Mahila) P.S. Case No. 95 of 2016 registered
for the offence punishable under Section 376 of the Indian Penal
Code and Sections 6/ 8 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that while her mother had gone to Mumbai and she was living in
her aunt's house, her son (the petitioner) had taken her on
motorcycle for going to her village Hakam and on the way he
forcibly committed rape on her. On arrival of police party, she was
taken to the police station where she informed the police about the



entire occurrence.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and no overt act has been committed by him as in the trial victim girl has denied that any such act has been committed by the petitioner. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and considering the period of custody, a sympathetic consideration may be taken.

However, learned A.P.P. for the State submits that the informant herself is a victim and in her statement under Section 164 Cr.P.C., she has also alleged the said offence, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District Judge, Siwan in connection with POCSO Trial No. 74 of 2017 arising out of Siwan (Mahila) P.S. Case No. 95 of 2016.

(Nilu Agrawal, J.)

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