

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28248 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -KOILWAR District- BHOJPUR

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1. Golu Kumar @ Golu Singh Son of- Mahesh Singh, resident of Village-
Deorath, P.S. Barhra, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.27706 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -KOILWAR District- BHOJPUR

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1. Govinda Singh S/o Ram Bachan Singh resident of Village- Deorath, P.S.
Barhra, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.28248 of 2017)

For the Petitioner/s : Mr. Binod Kumar Singh

For the Opposite Party/s : Mr. Sri Ram Priya Saran Singh

(In Cr.Misc. No.27706 of 2017)

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 01-08-2017 Heard learned counsel for the petitioners and learned

APP for the State.

Petitioner in Cri. Misc. No. 28248/17 is languishing in

custody since 30.10.2016 and petitioner in Cri. Misc. No.
27706//17 is languishing in custody since 15.04.2017 in



connection with POCSO Case No. 39 of 2016 arising out of Koilwar P.S. Case No. 238 of 2016 for offences punishable under Sections 376 (D), 379/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, Soni Kumari is that when she went to Kayamnagar for photograph and while returning, two boys assured to take her to her house but on the way they forcibly raped her in a pump room and after the girl started shouting, they fled away taking her mobile, photos and money.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case and that there is contradiction in the FIR and her statement recorded under Section 164 of the Cr.P.C. wherein, she has not named the petitioners. Her medical report also suggests her age to be 17 to 19 years, as such, no case under POCSO Act is made out. The medical report also does not suggest that rape was committed. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and one of the co-accused has been granted bail by a co-ordinate Bench of this Court in Cri. Misc. No.



28171 of 2017 on 28.07.2017.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions and District Judge, Bhojpur at Ara, in connection with POCSO Case No. 39 of 2016 arising out of Koilwar P.S. Case No. 238 of 2016.

(Nilu Agrawal, J)

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