

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29512 of 2017

Arising Out of PS.Case No. -5 Year- 2017 Thana -KHUSRUPUR District- PATNA

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1. Munna Kumar @ Shambhu Kumar Son of Ram Chandra Prasad,
Resident of Village- Bari Sungat, Ward No.2, P.S.- Khusrupur, District-
Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Smt. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-07-2017 Heard the parties.

The petitioner seeks regular bail in connection with
Khusrupur P.S.Case No.5 of 2017, registered for offences
punishable under Sections 354, 354(A), 354(B) and 342 of the
Indian Penal Code.

Allegation, as per F.I.R. is of outraging the modesty
of the victim girl, however, it appears from the impugned order
that the case is under Section 376 of the IPC. From perusal of the
written report, it appears that the same was filed on 14.1.2016 and
the F.I.R. was also lodged on 14.1.2016 but surprisingly enough,
the medical report of the Doctor dated 15.1.2017 has also been
made part of the F.I.R.

Submission of the learned counsel for the petitioner is



that in the F.I.R., no allegation of rape has been attributed, but the statement of the girl was recorded under Section 164 Cr.P.C. and allegation of rape has also been attributed against them. F.I.R. has also been lodged by the victim girl herself and there is manipulation in the F.I.R. also, as the report dated 15.1.2017 has been made part of the F.I.R., which had been lodged on 14.1.2017. Further submission is that the petitioner is in custody for more than six months.

Heard learned A.P.P. and the learned counsel for the informant, who has opposed the prayer for bail, stating that during the course of lodging written report, the girl could not narrate about commission of rape, however, she was referred to the P.M.C.H and the story of rape on the girl has been found true, as such the petitioner is not entitled for grant of bail.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Patna in connection with Special (POCSO) Case No.09 of 2017 arising out of Khusrupur P.S.Case No.05 of 2017.

With following conditions :



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, otherwise, his bail bond shall be cancelled.

Let a copy of this order be sent to the Sr.S.P., Patna for information and acknowledge as to how the medical report dated 15.1.2017 has been made part of the F.I.R. in this case though the F.I.R. has been lodged on 14.1.2016.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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