

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30149 of 2017

Arising Out of PS.Case No. -219 Year- 2015 Thana -HASANPUR District- SAMASTIPUR

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Amit Kumar, S/o Indradeo Yadav, Residence - Village- Mauji, P.S.-
Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

the learned A.P.P. for the State.

Petitioner is languishing in judicial custody
since 22.11.2016 in connection with Hasanpur P.S. Case
No. 219 of 2015, G.R. No. 1223 of 2015 registered for the
offence punishable under Sections 376(C) /34 of the Indian
Penal Code and Section 4 of the POCSO Act, 2012.

The prosecution case, as lodged by the victim,
Nitu Kumari, is that while she had gone to attend the call
of nature in the night at 9:00 P.M., two persons including
petitioner kidnapped her and the petitioner took her to his
old house and committed rape on her.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the victim has retracted from her statement recorded under Section 164 of the Cr.P.C. that she did not see the miscreants and since she is illiterate some other person has written the First Information Report and she has just signed it. He submits that the mother of the victim has also stated that her daughter has not seen any one and the petitioner and other co-accused are cousin brother of the victim. It is submitted that other co-accused has been granted the privilege of anticipatory bail by a coordinate Bench of this Court in Cr. Misc. No. 51920 of 2016 on 07.12.2016.

However, learned A.P.P. for the State 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 and Sessions Judge-cum- Special Judge, POCSO



Act, Samastipur in connection with Hasanpur P.S. Case
No. 219 of 2015, G.R. No. 1223 of 2015.

(Nilu Agrawal, J.)

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