

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39890 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

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1. Pratap Ram Son of Sumer Ram, Resident of Village-Shivpur, P.S.-
Bhabua, District-Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Opposite Party/s : Mr. Sri Khurshid Anwar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 03-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.03.2017 in connection with Mahila Bhabua P.S. Case No. 20 of
2017 for offences punishable under Section 376 of the Indian
Penal Code and Section 6 of POCSO Act.

The prosecution case, as lodged by the informant, is
that while she was alone with her younger brothers and sisters in
the house, the petitioner came in the night and committed rape on
her and on hulla, his *Barki Maa* had came and seen the petitioner
fleeing away. The petitioner had threatened the informant on the
point of knife not to disclose the incident.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and he is languishing in judicial custody for more than six months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner had committed rape on a minor girl and on medical examination doctor has found her age to be 16-18 years and the victim in her statement under Section 164 Cr.P.C. had reiterated the same prosecution story and the witnesses have also supported the prosecution case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail **after completion of one year in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Spl. Judge (POCSO Act), Kaimur at Bhabua, in connection with Mahila (Bhabua) P.S. Case No. 20 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will



file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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