

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46040 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Sunny Kumar, Son of Lalan Bhagat, Resident of village – Chitragopi, P.S.-
Jamhore, District-Aurangabad (Bihar)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Smt. Rita Verma, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

2 20-09-2017

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Aurangabad Mahila P.S.
Case No. 18 of 2017 registered under Section 376 of the Indian
Penal Code and Section 4 of the POCSO Act.

As per the prosecution case, the petitioner is said to
have been committing rape against the minor daughter of the
informant invariably enticing her.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The victim in
her statement recorded under Section 164 of the Code of Criminal
Procedure has not supported the occurrence of rape by the
petitioner against her rather she has stated that the petitioner used
to do masturbating before her by opening her pant. The doctor has



also not found any mark of violence on the person of the victim even on her private part. It is further submitted that as a matter of fact, the father of the petitioner has filed title suit against the mother of the informant and others for their eviction from the property in question which was decreed in favour of the plaintiffs and execution of the said decree has also been filed by the father of the petitioner against the mother of the informant. In order to mount pressure upon the father of the petitioner to get the matter compromised, the informant has filed this false and frivolous case against the petitioner. The petitioner has been languishing in custody since 15.05.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I-cum-Special Judge, Aurangabad in connection with Aurangabad Mahila P.S. Case No. 18 of 2017

(Prakash Chandra Jaiswal, J)

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