

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47244 of 2017

Arising Out of PS.Case No. -114 Year- 2017 Thana -ATHMALGOLA District- PATNA

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1. Mukesh Kumar Son of Shivkumar Yadav @ Shiv Kumar Rai, R/o
Village- Barhiya Tola Par, P.S.- Athmalgola, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. Mustaque Alam

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.06.2017 in connection with Special (POCSO) Case No.
81/2017, arising out of Athmalgola P.S. Case No. 114/2017 for
offences punishable under Section 376 of the Indian Penal Code
and Section 4 of the POCSO Act, 2012.

The prosecution case, as lodged by the victim girl, is
that while she went for natural call outside her house the petitioner
forcibly took her away and committed rape on her. Thereafter he
left her and she went to her house.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that there is contradiction in the First Information Report and the statement of the victim girl under Section 164 Cr.P.C., as the victim girl has stated that she was kept under confinement for 1½ days by the petitioner, which does not find support in the First Information Report. He submits that the First Information Report has been lodged after delay of two days and no plausible explanation has been given for such delay. He further submits that the medical report finds no sign of sexual assault and the age of the victim girl has been ascertained as 17-19 years. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

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

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned A.D.J. 1st, Patna, in connection with Special (POCSO) Case No. 81/2017, arising out of Athmalgola P.S. Case No. 114/2017,



subject to the conditions that:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) 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)

Rajesh/-

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