

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35884 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -MAHILA P.S. District- SARAN

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Sumit Kumar, son of late Basant Singh @ Putul Resident of Mohalla-
Purani Gurhatti, P.S. Town Chhapra District- Saran (Chhapra).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-08-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Mahila P.S.Case No. 18 of 2017 registered for the offences punishable under Sections 376 of the Indian Penal Code and 3/4 of POCSO Act.

Allegation as per FIR is that co-accused persons have called the petitioner and got their daughter raped by the petitioner.

It has been submitted on behalf of the petitioner that the whole prosecution story is absurd and unbelievable and, as a matter of fact, there was rent dispute between the parties as informant is rental of other co-accused persons and in order to grab the house the false and concocted case has been filed.

Heard learned APP and learned counsel for the informant also. They have opposed the prayer for bail.

Having heard both sides and considering the aforesaid facts and circumstances and also considering the prosecution story



that both husband and wife called the petitioner for committing rape upon daughter of informant in front of them appears to be unbelievable, let the petitioner, named above, be released 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 the 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Saran, Chapra, in connection with Mahila P.S.Case No. 18 of 2017, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate 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, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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