

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5985 of 2017

Arising Out of PS.Case No. -69 Year- 2015 Thana -AMAUR District- PURNIA

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1. Bhola Kumar Biswas @ Bholai Mandal @ Bhola Mandal Son of Shyamlal Mandal, Resident of Village- Pipra, Police Station- Amour in the District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Md. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 01.03.2016 in a case registered for offences punishable under Section 376 of the Indian Penal Code and under Section 6 of the Protection of Children Sexual Offence Act, 2012 (POCSO).

The petitioner had earlier moved for bail in Cr. Misc. No. 15880 of 2016, which was rejected by order dated 26.05.2016.

The prosecution case as lodged by the informant is that petitioner caught her from behind and forcibly committed rape with her on the point of knife and fled away. She further alleged



that on hulla Tetari Devi and Meena Devi reached at the place of occurrence and saw the occurrence.

It has been submitted by the learned counsel for the petitioner is that he is innocent, has falsely been implicated in the aforesaid case due to land dispute and earlier petitioner side had filed a case against the informant side and the present case is a counterblast of the previous case. He submits that on medical examination, the informant is found to be of 19 years of age, as such, POCSO Act is not applicable and the entire prosecution case is concocted and false and no such occurrence took place.

It has also been submitted by the learned counsel for the petitioner that up till now only charges have been framed against the petitioner and none of the witnesses have been examined so far.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the period of custody, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Purnea in connection with Sessions Trial No. 290 of 2016 (arising out of Amour P. S. Case No. 69 of



2015), subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

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(Nilu Agrawal, J)

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