

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34462 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -GAYA MUFFSIL District- GAYA

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Mantu Yadav @ Abhinav Kumar, son of Sunil Kumar, Resident of
Village- Hemja, P.S.- Wazirganj, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar

For the Opposite Party/s : Mr. Sri Shyameshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
22.02.2017 in connection with Muffasil P.S. Case No. 57 of 2017
for offences punishable under Sections 376/328 of the Indian
Penal Code and Section 4 of POSCO Act.

The prosecution case, as lodged by the informant, is
that while she was going to her school to attend a farewell party
the petitioner took her to a chowmin shop and after drinking water
she became unconscious and thereafter the petitioner took her in
the room besides the shop and committed rape on her.

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 the petitioner is 75% handicapped person which is evident from Annexure-3 and that from the seizure list of articles seized from the house of the petitioner there were number of love letters exchanged between the petitioner and the victim girl. He submits that the prosecution story and the statement of the victim under Section 164 Cr.P.C. are contradictory which falsifies the prosecution case. He submits 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 stating therein that some witnesses have supported the prosecution case.

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 1st Additional Sessions Judge, Gaya-Cum-Special Judge POSCO Act in connection with Muffasil P.S. Case No. 57 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/ court, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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