

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30539 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -SRI NAGAR District- MADHEPURA

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Abhinandan Kumar S/o Mahendra Das, resident of Village- Laxmipur
Bhagwati, Ward No. 14, P.S.- Srinagar, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Sir Pawan Kumar Chaurasiya,
Advocate

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 11-07-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 27.04.2017 in connection
with Srinagar P.S. Case No. 42 of 2017 registered under Sections 341,
323, 504, 376, 312, 34 of the Indian Penal Code and Section 4 of the
POCSO Act.

Learned counsel for the petitioner has submitted that the
petitioner, who is of clean antecedent, is innocent and has not
committed any offence. As a matter of fact, instant F.I.R. has been
lodged after lapse of one year on 04.04.2017 without explaining
plausible delay, which itself creates doubt on the prosecution version.
No occurrence as alleged in the F.I.R. has taken place ever. In fact, the
victim girl was medically examined by the doctor and her age has been
assessed as 16-18 years and no sign of rape or assault has been found



on the person of the victim. The petitioner is rotting in custody for the last two months.

Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Madhepura in connection with POCSO Case No. 08 of 2017 arising out of Srinagar P.S. Case No. 42 of 2017.

(Arvind Srivastava, J)

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