

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41040 of 2017

Arising Out of PS.Case No. -50 Year- 2017 Thana -GURUA District- GAYA

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1. Mukesh Kumar Son of Raghunandan Singh, Resident of Village-Sherpur,
P.S.-Gurua, District-gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 06-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with POCSO
Case No. 38/2017, arising out of Gurua P.S. Case No. 50/2017
for offences punishable under Sections 341, 323, 506/34 of the
Indian Penal Code and Sections 8, 12 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that the petitioner along with one Nand Kishore Singh entered
the house and assaulted the informant by iron rod on the head.
They also assaulted her 14 year old daughter Dipali Kumari and
tried to outrage her modesty.

It has been submitted by the learned counsel for the
petitioner that he is innocent and two cases, which are pending



against him, have been lodged by the informant itself. He submits that he is Bhainsur of the informant and due to property dispute false allegation has been levelled against him. He further submits that the injuries have been found to be simple in nature on both the informant and her daughter. It is further submitted that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and petitioner is languishing in judicial custody since 02.06.2017.

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 cum Special Judge (POCSO Act), Gaya, in connection with POCSO Case No. 38/2017, arising out of Gurua P.S. Case No. 50/2017, subject to the condition that both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner and if the petitioner indulges in an offence of similar nature in future, the



prosecution will be at liberty to move the learned court below
for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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