

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3065 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -KAUAKOL District- NAWADA

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Kanhai Kumar @ Madhav Shankar @ Kanhaiya Kumar

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Sri Indra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-11-2017

Heard the parties.

The appellant seeks bail in POCSO Case No.4/17 arising out of Kawakole (Rupau) P.S. Case No.11 of 2017 for the offence under Sections 376, 511 of the I.P.C., Section 3(1) (r) of the SC and ST Act and Section 8 of Protection of Children from Sexual Offences (POCSO) Act, 2012.

Allegation against the appellant along with other co-accused is of attempting to commit rape upon the informant.

Submission of the learned counsel for the appellant is that the informant who is the victim herself in



her statement made under Section 164 Cr.P.C. has supported the prosecution case as alleged in the F.I.R. against the co-accused and not against the appellant. The further submission is that the appellant is an Air Force personnel and due to village politics he has been falsely implicated in this case and he is in custody for 2 ½ months.

Heard learned Spl.P.P.also.

Having heard both sides and in view of the facts and circumstances, as stated above, the appeal is allowed. Let the appellant, above named, be released on bail on furnishing bail bond of Rs.25,000/-with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum- Special Judge, Nawada, in POCSO Case No.4/17 arising out of Kawakole (Rupau) P.S. Case No.11 of 2017subject to the conditions that one of the bailors must be of local person having sufficient immovable property within the jurisdiction of the court concerned and he will cooperate in the trial and appear



before the court below on each and every date fixed in the trial, failing which his bail bond will be cancelled.

(Vinod Kumar Sinha, J)

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