

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50867 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

=====

Rajesh Mallik, son of Late Balo Mallik, resident of village Narhan Estate,
P.S. Bibhutipur, District Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Md. Ashlam Ansari

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.03.2017 in connection with Bibhutipur P.S. Case No. 45/2017
for offences punishable under Section 376 of the Indian Penal
Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, aged
about 15 years, is that while she had gone to attend the marriage
ceremony of her brother's brother-in-law, the petitioner called her
to a lonely place and committed rape on her.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in the
aforesaid case, in fact, the victim girl herself wanted to marry him
and it was his marriage and it is improbable that the petitioner will



commit such offence just on the eve of his marriage. He submits that charges have been framed on 31.07.2017 and he undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the informant was a minor as assessed by the Medical Board and also by the Magistrate and a heinous offence has been committed by the petitioner.

Petitioner had earlier moved for grant of bail, which was rejected on 22.09.2017, passed in Cr. Misc. No. 41774 of 2017.

Considering the facts and circumstances and the materials on record and that charge has been framed and petitioner undertakes to cooperate in the trial on day-to-day basis, 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 Special Judge, POCSO Act, Samastipur, in connection with Bibhutipur P.S. Case No. 45/2017, T.R. No. 31/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

