

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.39591 of 2017**

Arising Out of PS.Case No. -231 Year- 2017 Thana -BARACHATTI District- GAYA

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Pokiya @ Poki Kumar, Son of Tete @ Shankar Prasad, Resident of Village-Shobh, P.S.- Barachatti, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Surj Bansh Roy, Advocate.

For the Opposite Party/s : Mr. A.M. P. Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
**ORAL ORDER**

3      15-12-2017                      Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Barachatti P.S. Case No. 231 of 2017 (POCSO Case No. 40 of 2017) registered under Section 376(D) of the Indian Penal Code and Section 8 of POCSO Act.

The accusation is that on 23.04.2017, informant, Mofida Khatoon, along with her father Kabir Miya was going to the house of her Moushi to attend the marriage ceremony. In the way, when she reached near canal bridge and her father was at some distance then petitioner and one Pappu, pan shopkeeper, started to cause assault and misbehaved and also torn her cloths. On raising alarm, her cousin brother, Saukat Mian, came there and



took her in his house, where she changed her cloth. After 4-5 days, the informant came back to her house and narrated the incident to her parents. Thereafter, she gave information to the police station.

Learned counsel for the petitioner submits that while the informant in her written report stated about going to the house of her Moushi in village Sundar Kumhari with her father but her statement was recorded, under Section 164 Cr.P.C., in which, she disclosed that she was going to the house of her Moushi along with her mother and after incident she was taken to her house from the place of occurrence by unknown from where she went to the police station and gave information and the police took her at the hospital. In fact, petitioner is running the egg shop and the father of the informant had taken the eggs several occasions on credit, but on demand of money the father of the informant got managed to lodge the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge Ist-cum-Special Judge, Gaya, in connection with Barachatti P.S. Case No.



231 of 2017 (POCSO Case No. 40 of 2017), subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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