

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28171 of 2017

Arising Out of PS.Case No. -238 Year- 2016 Thana -KOILWAR District- BHOJPUR

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1. Chandan Singh @ Chandan Kumar Singh Son of Ajit Singh, resident of Village- Udhaybhanpur, P.S.- Krishnagarh (Barahara), District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 28-07-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in jail since 06.02.2017 in a case registered for the offences punishable under Section 376 (D), 379/ 34 of the Indian Penal Code and Section 4 POSCO Act.

The prosecution case as lodged by the informant, Soni Kumari is that when she went to Kayamnagar for photograph and while returning home, two boys assured to take her to her house but on the way they forcibly raped her in a pump room and after the girl started shouting, they fled away taking her mobile, photos and money.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in



the aforesaid case and that there is contradiction of the First Information Report lodged by the victim itself and the statement under Section 164 Cr. P.C. wherein she has not named the petitioner. It has further been submitted that medical report assessed her age between 17 to 19 year, as such the offence does not come under the POSCO Act. He further submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail .

Considering the facts and circumstances of the case and materials on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District Judge, Bhojpur at Ara in connection with POCSO Case No. 39 of 2016 arising out of Koilwar P.S.Case No. 238 of 2016.

(Nilu Agrawal, J)

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