

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25239 of 2017

Arising Out of PS.Case No. -154 Year- 2016 Thana -SAHPUR District- PATNA

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Rahul Kumar, S/o-Chandeshwar Rai, R/o Village-Madhopur P.S.-Shahpur District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-06-2017

Heard Shri Ghanshyam Tiwary, the learned

advocate for the petitioner and Shri Arun Kumar, learned APP for the State.

The petitioner is seeking regular bail in connection with Special (POCSO) Case No. 168 of 2016 arising out of Shahpur P.S. Case No. 154 of 2016 for the offences alleged under Sections 147, 148, 149, 341, 323, 324, 354, 307, 452, 379, 504 and 506 of IPC and sections 8/12 of POCSO Act.

The prosecution story as disclosed in the fardbeyan of the father of the victim girl would show that he has specifically stated that one Govind Rai was involved in alluring the victim girl showing her his mobile and offering the same to the girl from the roof of his house.



In the First Information Report the name of the petitioner is nowhere mentioned.

Learned counsel for the petitioner would submit that both the petitioner and the informant are close neighbours and the present petitioner has been falsely implicated at a belated stage only. He would further submit that the petitioner is aged about 19 years only and the whole intention of the informant to implicate the petitioner developed only after about 13 days from the date of alleged occurrence when a statement under section 164 Cr.P.C. was recorded. In the statement under section 161 neither the informant nor any witnesses, namely, Jitan Rai, Prabha Devi and Meena Devi or even the victim girl never disclosed about the participation of the present petitioner. He submits that the petitioner is at a younger age and has already surrendered.

The learned APP for the State although opposed the prayer for bail but could not place any significant material to remove the doubt of false implication at a belated stage.

In the facts and circumstances stated hereinabove, considering that both the parties are neighbours and the name of the petitioner did not appear in the First Information Report or in course of investigation while the statement of the witnesses were recorded under section 161 Cr.P.C., I am inclined to grant regular



bail to the petitioner, namely, Rahul Kumar, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-1st-cum-Special Judge, POCSO, Patna in connection with Special (POCSO) Case No. 168 of 2016 arising out of Shahpur P.S. Case No. 154 of 2016 subject to the condition that one of the bailors of the petitioner shall be a family member having no criminal antecedent and the petitioner shall not indulged in threatening the informant or victim girl or in tampering with the evidence.

(Rajeev Ranjan Prasad, J)

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