

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17530 of 2017

Arising Out of PS.Case No. -2 Year- 2017 Thana -MAIN P.S. District- GAYA

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1. Nitish Kumar @ Deepu Kumar Son of Bijendra Sharma @ Vijendra Kumar, resident of village - Gangti, Police Station - Main, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Smt Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 03-05-2017 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner is in custody since 23.02.2017 in connection with POCSO Case No. 14 of 2017 arising out of Main P.S. Case No. 02 of 2017 registered under Sections 341, 457, 380, 354, 323 and 34 of the Indian Penal Code and Sections 8 and 12 of the Prevention of Children from Sexual Offence Act, 2012.

Learned counsel for the petitioner has submitted that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, there is land dispute between the parties and on account of that some scuffle took place between the parties, for which, case and counter case have been lodged by the them. According to the statement of the victim recorded under Section 164 Cr.P.C., annexure-4, it is clear that no offence under the POCSO Act is made



out against the petitioner. Moreover, the occurrence alleged to have been taken place on 02.02.2017 but the F.I.R. was lodged on 08.02.2017 without explaining the delay, therefore, the same appears to be after thought. The petitioner is rotting in custody for the last two months.

Considering the nature of accusation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand rupees only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st –cum- Special Judge (POSCO Act), Gaya in connection with POCSO Case No. 14 of 2017 arising out of Main P.S. Case No. 02 of 2017.

(Arvind Srivastava, J)

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