

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51602 of 2017

Arising Out of PS.Case No. -270 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

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Hareram Kumar, Son of Ram Ashish Rai, Resident of Village-
Mishrauliya, P.S. Sakra, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Nachiketa Jha, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 13-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 04.05.2017 in connection with Muzaffarpur Town P.S. Case No. 270 of 2017 (Tr. No. 51/2017) for the offences alleged under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

3. It is submitted that the petitioner has been falsely implicated and accusations alleged against him are completely false and baseless. It is further submitted that even according to the birth certificate produced by the informant's father in course of investigation, the informant's date of birth is 02.12.1998 and hence she was about 18 years 5 months on the date of occurrence. It is submitted that the provisions of the POCSO Act are also not attracted. It is further submitted that the medical examination of the informant was done on the date of occurrence itself and according to the medical report, no injury on the whole body of the victim nor presence of spermatozoa was found which thus belies the accusation of rape having been committed. The petitioner claims clean antecedents.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO Act, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 270 of 2017 (Tr. No. 51/2017), on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

B.T/Chandran

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