

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43408 of 2017**

Arising Out of PS.Case No. -29 Year- 2017 Thana -MOHIUDDIN NAGAR District-  
SAMASTIPUR

=====

Krishna Dev Singh S/o Late Baldev Narayan Singh Resident of village-  
Dharmpur, Police Station- Mohiuddin Nagar, District- Samastipur.

.... .... Petitioner/s

Versus

The State of Bihar

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

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**Appearance :**

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr. Sri Murlidhar

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5      22-12-2017                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
07.06.2017 in connection with Mohiuddin Nagar P.S. Case No. 29  
of 2017, G.R. No. 510 of 2017 for offences punishable under  
Section 376 of the Indian Penal Code and 4/6 POCSO Act.

The prosecution case, as lodged by the victim girl Ladli  
Kumari aged 13 years, is that while she had gone out of the house  
to bring money for the milk, the petitioner took her in a secluded  
room in Jungle and committed rape upon her.

It has been submitted by the learned counsel for the  
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case as the petitioner is a P.D.S. dealer and the informant's side has a shop adjacent to the shop of the petitioner and there was some quarrel between them for which this false case has been lodged. He submits that Medical Board does not opine any signs of sexual assault and that the victim girl herself in her statement under Section 164 has not alleged of rape upon her. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Child Sexual Abuse Prohibition Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 29 of 2017, G.R. No. 510 of 2017, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the



petitioner.

- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Devendra/-

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