

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17068 of 2017

Arising Out of PS.Case No. -86 Year- 2016 Thana -MAHILA P.S District- SUPAUL

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1. Arun Kumar @ Arun Kumar Sharma, Son of Birenchi Sharma, Resident of Village- Balua Bishanpur, P.S.- Balua Bazar, District- Supaul.
2. Santosh Kumar Ram, Son of Bindeshwari Ram @ Domi Ram, Resident of Village- Sitapur (Bhawanipur), Police Station- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 04-05-2017 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with POCSO Case No. 26 of 2016 (arising out of Mahila Supaul) P.S. Case No. 86 of 2016 registered for the offences punishable under Sections 363, 376(D) of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

In First Information Report the informant-victim has alleged that she was kidnapped by the petitioner and co-accused Santosh Kumar Ram and both raped her.

Submission is of false implication and that the informant has been examined in POCSO Case No. 26 of 2016 as



PW-1 wherein she has not supported the allegation of rape and further she has specifically stated during cross examination that both the boys have not committed any offence against her and police has not read over her statement and, as such, the petitioner who is suffering in custody since 28.08.2016, deserves sympathetic consideration.

The learned A.P.P. fairly submits that now the informant has retracted from her earlier version during trial.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. 1st Supaul in connection with POCSO Case No. 26 of 2016 (arising out of Mahila (Supaul) P.S. Case No. 86 of 2016 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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