

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12722 of 2018

Arising Out of PS.Case No. -108 Year- 2017 Thana -NARHAT District- NAWADA

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Gore Kumar @ Santosh Kumar @ Santosh Kushwaha S/o Pargash Mahto
@ Om Prakash Mehta @ Om Prakash Mahto, R/o Village- Gangta, P.S.-
Narhat, District- Nawada. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Pd. Singh, Sr. Advocate
Mr. Rabi Bhushan Prasad No. 1, Advocate
Mr. VP Bhargva, Advocate
For the State : Smt Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 12-04-2018 Heard counsel for the petitioner, the State and the informant.

Petitioner is accused in a case registered for offence under sections 376, 354, 34 IPC and sections 4/12 POCSO Act, 2012.

Learned senior counsel for the petitioner submits that due to some altercation between the brother of the petitioner and the informant, Narhat Police Station Case No. 119/2017 was lodged by the brother of the petitioner and in retaliation the instant case has been lodged falsely implicating the petitioner in respect of an occurrence alleged to have taken place on 3.2.2017 whereas the FIR has been lodged on 17.7.2017. Petitioner has clean antecedent and is in custody in connection with this case since 23.8.2017.

Learned counsel for the informant has filed counter



affidavit stating that one Narhat Police Station Case No. 104 of 2017 dated 10.7.2017 has been lodged by one Indradeo Chaudhary where the petitioner's name has been given as son of one Prakash Prasad.

This Court notices that it is not possible to examine the parentage of the petitioner with the parentage of the accused of the said case.

Considering the aforesaid submissions, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge I cum Special Judge, Nawada in Narhat Police Station Case No. 108 of 2017 (POCSO Case no. 23 of 2017) on the following conditions:-

One of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners and

The Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.



The dispute regarding parentage of the petitioner will be examined by the court below and if it is found that the petitioner is the same person who has been named in Narhat Police Station Case No. 104 of 2017 dated 10.7.2017, then he would not be enured to the benefits of this order.

(Madhuresh Prasad, J)

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