

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10353 of 2018

Arising Out of PS. Case No.-263 Year-2017 Thana- TARAIIYA District- Saran

Rahul Kumar Singh S/o Jagdish Singh @ Jagdish Prasad Singh, R/o Village +
P.O.+ P.S.- Taraiya, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 12-04-2018 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner, already in custody, seeks bail in connection
with Taraiya P.S. Case No.263 of 2017 registered under Sections
376/34 of the Indian Penal Code, Sections 4/6 of the POCSO Act
as well as under Section 67A of the I.T. Act.

Allegation in brief is that the petitioner along with his
friend, another co-accused, caught hold the prosecutrix from the
back, dragged her near a bush and committed rape and also snaped
her nude photographs in mobile and thereafter committed rape
later on several times.

Learned counsel for the petitioner submits that
petitioner is a co-villager living in the neighbourhood of the
prosecutrix, so false allegation has been levelled due to dispute
between the two families and case was instituted after considerable



delay of 15 days. It is further submitted that there was amorous relationship between the two and when it was exposed then this case was instituted and there is no such video of rape or its clip put up on internet as alleged. It is also submitted that the prosecutrix was not examined medically in order to establish whether any rape was committed to her.

Learned counsel appearing on behalf of the State submits that there is specific allegation against the petitioner.

However, the CD was also shown in presence of learned counsel of both sides but it does not contain any videography of rape and also no medical report is available in the case diary and the petitioner is in custody since 11.10.2017.

Having considered the aforesaid facts and circumstances, petitioner Rahul Kumar Singh is directed to be released 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 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Saran at Chapra in connection with Taraiya P.S. Case No.263 of 2017.

(Arun Kumar, J)

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