

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47853 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -KHANPUR District- SAMASTIPUR

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Kapil Mahto Son of Late Siyasharan Mahto, resident of Village- Buzurg
Dwar, P.S.- Khanpur, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra

For the Opposite Party/s : Mr. Sri Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

6 24-01-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Khanpur P.S. Case No.52 of 2017, registered under Section
376 of the Indian Penal Code as well as under Sections 3/4 of the
POCSO Act.

Allegation is that in the agricultural field, the
petitioner committed rape upon the prosecutrix.

Learned counsel for the petitioner submits that the
allegation of rape cannot be believed as the close family members
of the prosecutrix were nearby the field. Moreover this case is
lodged after delay of 5-6 days without any reason and there is no
sign of external or internal injury or any sign of rape and the
petitioner is in custody since 15.05.2017.



Having considered the said facts and circumstances, petitioner Kapil Mahto 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 District & Sessions Judge, Samastipur in connection with Khanpur P.S. Case No.52 of 2017, giving rise to T.R. No.18 of 2017.

(Arun Kumar, J.)

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