

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31226 of 2018

Arising Out of PS.Case No. -260 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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Mithun Kumar S/o Manoj Mandal, R/o village- Nashapur, P.S.- Sultanganj,
District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Sri Ram Priya Saran Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with
Sultanganj P.S. Case No. 260 of 2017 registered for offence
punishable under section 376 of the Indian Penal Code and
sections 4 and 6 of the POCSO Act.

The allegation, as per FIR, is that when the daughter
of the informant aged about 12 years was grazing her goat, this
petitioner forcibly lifted her and committed rape on her in a maize
field.

It has been submitted that the present case has been
lodged at the instance of local people and Ward Member who are
hostile to the petitioner. There is no eye witness to the occurrence.



The doctor has not found any sign of rape rather only physical assault was found. The petitioner is in custody since 15.12.2017 having clean antecedent.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of FIR it appears that there is specific allegation of committing rape by this petitioner on the daughter of informant. In course of medical examination, the doctor has assessed the age of victim in between 14 to 16 years. The doctor has reported about physical assault on victim.

Considering the specific allegation of committing rape on minor girl, I am not inclined to grant him bail. His bail prayer stands rejected.

(Sanjay Kumar, J)

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