

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40267 of 2018

Arising Out of PS. Case No.-33 Year-2017 Thana- MAHILA PS District- Aurangabad

Manish Kumar @ Bijay Kumar, S/o Anant Choudhary, R/o Village Manar,
P.S.- Daudnagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Opposite Party/s : Mr. Sri Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 12-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Mahila P.S. Case No. 33 of 2017 registered for the offence punishable under Section 376D of the Indian Penal Code and Section 4 of POCSO Act.

Informant who is the victim girl herself lodged FIR on 08.10.2017 stating that she is 17 years old and had developed intimacy with one Binod Kumar of the locality and went with Binod Kumar to Delhi but she could not get rented house there and thereafter she returned and went to her village Daudnagar where she met with Manish Kumar (petitioner) who ply auto-rickshaw and who was known to her



from before and asked Manish Kumar (petitioner) to search a rented room for her and he searched and got a rented room for her. Binod Kumar developed physical relation with her and petitioner also remained there for 15 days and established physical relation with her. Thereafter she met Subodh Kumar on 06.10.2017 in the market at 4 'o' clock and said that he will arrange Rs. 6000/- for her and took her to nearby school where petitioner alongwith four others committed rape on her and thereafter she has lodged the present FIR. In her statement recorded under Section 164 of Cr.P.C. has stated that petitioner and four others raped her.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case and has committed no offence. Petitioner's name has been disclosed by Subodh Kumar to informant due to extraneous reason. It has been further submitted that several co-accused having similar allegation have already been granted bail by Benches of this Court as contained in Annexure- 4 & 4/1. Petitioner has no criminal antecedent and is in custody since 17.05.2018.

Considering the aforesaid facts and circumstances of



the case, let the petitioner named above be released on bail upon 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, Aurangabad, in connection with Mahila P.S. Case No. 33 of 2017.

(S. Kumar, J)

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