

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71688 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- MAHILA P.S. District- Siwan

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Dipu Thakur Son of Anirudh Thakur, resident of Village- Kumhati Bhitauli,
Police Station- Darauli, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 12-12-2018 Heard the parties.

The petitioner seeks regular bail in connection with Siwan Mahila P.S.Case No.10 of 2018 registered for offences punishable under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

Allegation against the petitioner is of committing rape of three years daughter of the informant.

Submission of the learned counsel for the petitioner is that the medical report of the daughter of the informant does not support the prosecution case and further the petitioner is suffering from mental illness and he has filed medical report in support of that.

Heard learned A.P.P. also, who has opposed the prayer for



bail of the petitioner stating that the police investigation has not found the petitioner suffering from mental illness and the case is of rape of the minor daughter of the informant.

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant bail to the petitioner, however, if the petitioner takes plea of the illness of the petitioner of mental illness, specific provision is provided in Chapter XXV of the Cr.P.C. and the learned court below is directed to act according to the provisions as mentioned in Chapter XXV of the Cr.P.C.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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