

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18752 of 2018

Arising Out of PS.Case No. -739 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Dharmendra Kumar @ Dharmendra Rai, son of Hardeo Rai, Resident of
Village - Hilalpur, P.S. - Hajipur Industrial Area, Dist - Hazipur, Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Sri Manoj Kumar-1, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 26-04-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 23.10.2017 in
connection with Hajipur Town P.S. Case No.739 of 2017
registered for the offence under Sections 366(a), 376(D)/34 of
the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that
though the petitioner is said to have been named in the F.I.R.,
yet in the statement made before the Magistrate under Section
164 Cr.P.C., the petitioner has not been named by the
victim/informant. It is further submitted that the medical report,
which has come in the case diary, also does not indicate rape
and only the age of the victim has been disclosed in the said



medical report. It is on the basis of such materials, the petitioner has been put behind bars for over six months.

Considering the vague nature of the allegations, which stand testified by the victim in her statement made under Section 164 Cr.P.C. and also there being no clear medical report annexed with the case diary, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No.739 of 2017.

(Anjana Mishra, J)

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