

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35986 of 2018

Arising Out of PS. Case No.-97 Year-2018 Thana- MASRAKH District- Saran

Jaiki Kumar, Son of Nand Kishor Ram, Resident of Village- Mahesh Chapra,
Police Station- Mashrakh, District- Chapra, Saran (Bihar).

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar, Adv.
For the Opposite Party : Mr. Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Mashrakh P.S. Case No. 97 of 2018 registered for the offences punishable under Section 341, 323, 504, 506 and 376/34 of the Indian Penal Code and Section 3/4 of the POCSO Act.

Informant who is the victim, has stated in her written complaint that on 04.04.2018 at about 1:00 A.M. in the night petitioner entered into her house and committed rape on her on the strength of knife and threatened with dire consequences if she disclosed this fact to anyone, when her mother returned from her maternal uncle's house she told her mother and when her mother went to the house of petitioner she was abused and



assaulted there. When her brother Akshay Kumar came from outside then she silently went with him to the police station and filed this written complaint on 08.04.2018. The girl was medically examined by the doctor on 09.04.2018 and it has been opined by the medical team that she is about 17 to 18 years old and there is no evidence of recent sexual intercourse but she is habitual to sexual intercourse.

It has been further reported that no spermatozoa was found and there was no any external or internal injuries on the person of the victim. It has been submitted on behalf of the petitioner that both petitioner and informant are neighbours and there was some dispute due to which present case has been lodged against petitioner and other family members have been roped in this case. The witnesses have also not supported the case of prosecution during investigation.

It has been stated that petitioner has no criminal antecedent and he is in custody since 08.04.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge, Saran at Chapra in connection with
Mashrakh P.S. Case No. 97 of 2018 with following conditions:

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(2) The petitioner shall co-operate in the trial and
shall be present on each and every date fixed by the court and
his absence on two consecutive dates without proper and
reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Rajiv/manoj

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