

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37417 of 2018

Arising Out of PS.Case No. -383 Year- 2017 Thana -MANER District- PATNA

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1. Kunal Kumar, Son of Ram Nath Mahra, Resident of Madhopur, P.S.-
Maner, Dist- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Suman Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the
offences punishable under Sections 354/341/323/504 of the Indian
Penal Code and Sections 8/12 of the POCSO Act.

Allegation against the petitioner is of sexual
assault against the informant, who is a minor girl.

Submission of the learned counsel for the
petitioner is that there is contradiction in the statement of the
informant in the written report and her statement under Section
164 Cr.P.C. to the extent that in the written report she alleged that
occurrence took place while she was going to school; whereas in
the statement under Section 164 Cr.P.C. she stated that occurrence



took place while she was in the school. However, no strong motive has been brought on the record to substantiate false allegation. Petitioner is in custody since 21.05.2018.

Considering the entire facts aforesaid, let the petitioner, above named, be released on bail **after completion of six months of custody** on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Maner P.S. Case No.383 of 2017, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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