

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53504 of 2018

Arising Out of PS.Case No. -34 Year- 2018 Thana -MAHILA P.S. District- MUZAFFARPUR

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Suresh Kumar Pandey @ Suresh Pandey S/o Late Umashankar Pandey, R/o Chakhni, P.S.- Bagha, District- West Champaran, Presently residing at Brij Bihari Gali, Padav Pokhar Aamgola, C/o Virendra Chaudhary, P.S.- KMP, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 25-10-2018 Heard learned counsel for petitioner and learned A.P.P. for the State.

Petitioner seeks bail in Mahila P.S. Case No. 34/2018, registered for the offences punishable under Sections 376, 326(A) and 326(B) of the Indian Penal Code and sections 4, 6 and 8 of the P.O.C.S.O. Act.

Allegation is committing rape upon the informant and pouring acid over her body.

It has been submitted that petitioner has falsely been implicated in this case. No such occurrence as alleged in the F.I.R. has ever taken place. In the statement recorded under Section 164 Cr.P.C. the victim has stated that burn injury was caused due to



hot milk. Victim was medically examined by the Doctor and according to medical report Hymen was found intact. No spermatozoa was found. Medical Officer has not expressed any opinion regarding commission of rape.

Petitioner has no criminal antecedent. He is in custody since 07.06.2018.

Considering the facts aforesaid, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge P.O.C.S.O. Act, Muzaffarpur in connection with Mahila P.S. Case No. 34/2018 (G.R. No. 71/18), subject to the conditions:

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

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