

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55009 of 2018

Arising Out of PS. Case No.-81 Year-2018 Thana- DANIYAWAN District- Patna

Vijay Basant @ Jhuma @ Chhuma Son of Satyendra Prasad Resident of
Village- Daniyawan, P.S. Daniyawan, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahesh Prasad
For the Opposite Party/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 27-11-2018 Petitioner prays for bail in connection with Daniyawan P.S.Case No. 81 of 2018, arising out of Special Case No. 129 of 2018, registered for the offences punishable under Sections 376, 504, 506/34 of the Indian Penal Code, 3(i)(w) of SC/ST Act and 4 of POCSO Act.

Allegation against the petitioner is of committing physical intercourse with the daughter of the informant and there is allegation against him of threatening the informant for marriage purpose.

Submission of learned counsel for the petitioner is that the statement of the victim girl has been recorded under Section 164 Cr.P.C. in which she has not supported the prosecution case of commission of rape upon her and the girl has been examined by Medical Board in which her age has been assessed at 21-22 years and petitioner is in custody since 9.7.2018.

Heard learned APP also, who has opposed the prayer for bail stating that though though the victim girl has not supported the prosecution case under Section 164 Cr.P.C. but she appears to be minor and the father and mother of the girl in their statement under Section 161 Cr.P.C. before police have supported the prosecution case.

Having heard both sides and in the facts and



circumstances, this application is disposed of with a direction to the court below to verify the submission of learned counsel for the petitioner that Medical Board has assessed the age of the girl as 21-22 years and in her statement under Section 164 Cr.P.C. she has not supported the prosecution case and it is found true, the petitioner shall be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional District Judge-I-cum-Special Judge, POCSO Act, Patna, in connection with Daniyawan P.S.Case No. 81 of 2018, arising out of Special Case No. 129 of 2018, subject to the condition that one of the bailors shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned, otherwise he may pass any other order.

(Vinod Kumar Sinha, J)

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