

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38139 of 2018

Arising Out of PS. Case No.-54 Year-2017 Thana- MAHILA P.S. District- Saran

Abhay Singh @ Abhay Kumar Singh, Son of Yogendra Kumar Singh, resident of Village- Takiya, P.S. Bheldi, District- Saran (At present Resident of Village- Sheikh Dumri, P.S.- Nayagaun, Dist.- Saran, Tenant in the House of Nasreeni Begum).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Pravin Kumar Mr. Shasank Shekhar
For the Opposite Party/s	:	Mr. Sri Ganesh Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 15.11.2017 in connection with POCSO Case No. 06 of 2018, arising out of Mahila P.S. Case No. 54 of 2017 for offences punishable under Section 376 of the Indian Penal Code and Section 3/4 of POCSO Act.

The prosecution case, as lodged by the victim girl, is that while she was with her 8 year old brother in the house and had gone to fetch water being 16 years of the age, the petitioner came and tried to commit rape but on halla her aunt Saraswati Devi came and the petitioner fled away.



It has been submitted by the learned counsel for the petitioner that he is innocent, although he has one case against him under Sections 307 and 498(a) of the Indian Penal Code but does not have any criminal antecedent relating to the present offence. He submits that no such occurrence took place as deposed by the victim lady and her aunt Saraswati Devi and there is a compromise between the parties. He further submits that as per the medical report her age has been ascertained as 18 years, hence, she is major although in her statement before the Magistrate she has been stated to be of 16 years and that no case of rape has been alleged, neither ascertained as per the medical report. He submits that the witnesses examined have not supported the prosecution case and the victim girl as well. The petitioner is languishing in judicial custody for more than 7 months.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned 1st Additional District & Sessions Judge, Saran at Chapra, in



connection with POCSO Case No. 06 of 2018, arising out of Mahila P.S. Case No. 54 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/Pragya

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