

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42637 of 2018

Arising Out of PS.Case No. -76 Year- 2018 Thana -NABINAGAR District- AURANGABAD

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1. Dilip Chauhan, Son of Jagdish Chauhan, resident of Village- Ambedkar Nagar Station Road Ward No. 9, P.S.- Nabinagar, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari

For the Opposite Party/s : Mr. U.L. Verma, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 06-08-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has been in custody since 25.03.2018 in connection with Nabinagar P.S. Case No. 76 of 2018 registered for the offences punishable under Sections 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that the entire story is false and frivolous and the victim girl is more than 18 years of age as has been reported by the medical board. It is further submitted that there is false implication of the petitioner in this case and the independent witnesses have clearly stated that the petitioner was mentally disturbed and not in a position to commit the offence as has been alleged. It is further submitted that such



witnesses of the village have categorically stated that the offence could not have been committed as has been described in the FIR because the place is fully crowded at the 04:00 in the day time.

Considering the aforementioned facts and circumstances and as per the doctor's report, the girl has been found to be between 18-19 years of age as is evident from the case diary also and there is cloud on the prosecution story, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge I cum Special Judge (POCSO) Act, Aurangabad, in connection Nabinagar P.S. Case No. 76 of 2018.

(Anjana Mishra, J)

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