

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43276 of 2018

Arising Out of PS. Case No.-10 Year-2018 Thana- PURUSHOTTAMPUR District- West
Champaran

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Tarkeshwar Kumar S/o Manoj Kushwaha @ Manoj Kumar @ Manoj Kumar
Kushwaha, R/o Vill.- Bhadabhadwa, P.S.- Purushottampur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 24-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in
connection with Purushottampur P.S. Case No. 10 of 2018
registered for the offence punishable under Sections 376(D)/34
of the Indian Penal Code and under Section 5(g) of POCSO Act.

Informant who claimed her to be minor has alleged
committing of rape upon her by five FIR named accused. The
crime was committed in the night of 09.03.2018 but she has
lodged FIR on 15.03.2018 and no explanation has been given
for such delay.

It has been submitted on behalf of the petitioner



that he is innocent and has been falsely implicated in this case due to some local dispute. It has been further submitted that in the medical examination, Medical Officer has held not found any external or internal injury on the person of victim or on her private part. No live or dead spermatozoa has been found and she has not been subjected to any recent sexual act. The Medical Board has assessed the age of victim girl below 17 years. Petitioner has no criminal antecedent and he is in custody since 16.03.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-Ist-cum-Special Judge, Bettiah, West Champaran, in connection with Purushottampur P.S. Case No. 10 of 2018.

(S. Kumar, J)

veena/manoj-

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