

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3249 of 2018

Arising Out of PS.Case No. -39 Year- 2016 Thana -MEHDIGANJ District- PATNA

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1. Rocky Kumar @ Vikash Kumar S/o Naresh Kumar @ Suresh Mahto, R/o
Mohalla- Ranipur- Khirki, Kali- Asthan, P.S.- Mehandiganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
18.03.2017 in connection with Special Case No. 38/2017
(POCSO), arising out of Mehandiganj P.S. Case No. 39/2016 for
offences punishable under Sections 328, 376, 302, 34 of the Indian
Penal Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is
that his sister was working in the field of one Naresh Mahto and
on the alleged date of occurrence she was called to work in the
house of Naresh Mahto. In the evening one Gorakh Yadav brought
his sister Piri Kumari in semiconscious state, who had injury on



the back of her head. It is alleged that the petitioner along with three others had assaulted her on the back of the head, made her drink intoxicant and committed rape on her.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case out of village rivalry. He submits that the informant and other witnesses have not supported the prosecution case for which he has filed a supplementary affidavit enclosing the deposition of the informant and other witnesses. He further submits that the deceased met with an accident while coming home and petitioner undertakes to cooperate with the trial on day-to-day basis.

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 Special Judge (POCSO) cum Addl. District Judge-1st, Patna, in connection with Special Case No. 38/2017 (POCSO), arising out of Mehandiganj P.S. Case No. 39/2016, subject to the following



conditions :

- (i) 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.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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