

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56424 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -MAHILA P.S. District- NAWADA

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Chandan Kumar, S/o Kishori Mistri, R/o- Village- Chatar, P.S.- Narhat,
District- Nawada

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Sri Kalyan Shankar

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

5 24-01-2018 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Mahila P.S. Case No.12 of 2017, registered under Sections
376(D), 114 and 120(B)/34 of the Indian Penal Code as well as
under Section 4 of the POCSO Act.

Allegation in brief is that the prosecutrix had gone in
the neighbourhood on the occasion of Holi and it is alleged that
the petitioner and his other friends came and forcibly took her on
the roof top and committed rape.

Learned counsel for the petitioner submits that it is
unbelievable that the prosecutrix in presence of a lady in the house
was taken to the roof top and rape was committed rather the
petitioner only smeared colour on the face of the informant and



after inordinate delay of five days of the alleged occurrence the case of rape was lodged. It is submitted that the medical report is not positive and other co-accused have been admitted to anticipatory bail by a coordinate Bench of this Court, police has submitted charge-sheet in this case and the petitioner is in custody since 31.08.2017.

Having considered the said facts and circumstances, petitioner Chandan Kumar is directed to be released 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-cum-Additional Sessions Judge-I, Nawada in connection with Mahila P.S. Case No.12 of 2017.

(Arun Kumar, J.)

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