

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5110 of 2018

Arising Out of PS. Case No.-728 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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Dinesh Kumar Patwa, S/o Maujee Lal Patwa, Resident of Mohalla-
Uttarwari Pokhara, M.J.K. Nagar, ward No. 6, P.S. Bettiah Town (Kalibagh
O.P.), District West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta
For the Opposite Party/s : Mr. DR. AJEET KUMAR

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 27-02-2018 Heard learned counsel for the petitioner, learned counsel
for the State and learned counsel for the informant.

The petitioner, who is in custody, seeks bail in
connection with Bettiah Nagar (Kalibagh) P.S. Case No. 728 of
2017 registered for the offence punishable under Section 376
of the Indian Penal Code and Section 8/12 of the POCSO Act.

Informant is the father of the victim, who, in his
written complaint dated 10.10.2017, had alleged that on
previous evening when he returned to his home her daughter
aged about 6 years informed him that the petitioner had
committed rape and outraged her modesty. The girl was
examined by the Medical Board and as per Medical Board no



sign of any violence or sexual assault has been found either on external part or internal part of the body. No spermatozoa has been found and hymen has been found to be intact. In the statement of girl under Section 164 of the Cr.P.C. she has not stated anything regarding commission of rape but the allegation is of sexual assault only. It has been submitted that petitioner is in custody since 10.10.2017.

Learned counsel for the informant has vehemently opposed the prayer of regular bail of the petitioner.

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 Chief Judicial Magistrate, Bettiah, in connection with Bettiah Nagar (Kalibagh O.P.) P.S. Case No. 728 of 2017.

(S. Kumar, J)

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