

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38022 of 2018

Arising Out of PS.Case No. -52 Year- 2016 Thana -MANER District- PATNA

=====

Mithlesh Kumar @ Mithilesh Rai @ Mithlesh Rai, Son of Dinesh Rai,
resident of village- Hathi Tola, P.S.- Maner, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh

For the Opposite Party/s : Sri Suresh Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 23-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Special
Case No. 100 of 2016 (arising out of Maner P.S. Case No. 52 of
2016) registered for offences punishable under sections 366A/
376/34 of the Indian Penal Code and section 4 of the POCSO Act.

As per FIR one Nitish Kumar with the help of this
petitioner abducted the minor daughter of informant and
committed sexual assault on her.

It has been submitted that there is delay of one week
in lodging the FIR, as the occurrence of abduction took place on
30.01.2016 whereas FIR has been lodged on 07.02.2016. In course



of investigation, the victim-girl was recovered and she was produced before the Magistrate where her statement was recorded under section 164 Cr.PC in which she has stated that co-accused Nitish Kumar with the help of this petitioner forcibly lifted her by a two-wheeler. The said Nitish Kumar kept the victim at the place of his maternal aunt and established physical relation. Further submission is that the said Nitish Kumar being juvenile has been allowed bail by the court below in J.J.B. Case No. 186 of 2017. The allegation against this petitioner is omnibus and his case stands on better footing to the case of co-accused Nitish Kumar. The petitioner is in custody since 22.11.2017 having no criminal antecedent and so he deserves to be enlarged on bail

The learned Additional Public Prosecutor on the other hand opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge 1st-cum-Special Judge POCSO, Patna in connection with Special case no. 100 of 2016 (arising out of Maner P.S. Case No. 52 of 2016, subject to the following conditions:-



- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

