

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39478 of 2018

Arising Out of PS.Case No. -7 Year- 2017 Thana -BIHRA District- SAHARSA

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Rahul Deo @ Rahul Kumar Deo, S/o Late Mohan Deo, R/o Village- Bihra,
P.S.- Bihra, District- Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Shiva Shankar Sharma, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner, who is in custody since 19.01.2017, has renewed his prayer for bail in connection with POCSO 03/2017 arising out of Bihara P.S. Case No. 07 of 2017 for the offence alleged under Sections 366(A), 376, 511, 323 of the Indian Penal Code and Section 8 of the POCSO Act, 2012 having earlier been rejected by this Court by order dated 13.07.2017 in Cr. Misc. No. 31808 of 2017.

3. Learned counsel for the petitioner submits that in a subsequent development the informant herself has deposed before the Court in course of trial that her date of birth was 23.10.1996, from which it is evident that she was a major on the date of occurrence. As such the accusation under POCSO Act are not attracted. In para-5 of the said deposition the informant has clearly stated that no one has misbehaved with her nor touched her body nor kidnapped her.



4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge (POCSO), Saharsa, in connection with POCSO 3/2017 arising out of Bihara P.S. Case No. 07 of 2017, on the following conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Md. Ibrarul/BT

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