

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62967 of 2018

Arising Out of PS.Case No. -56 Year- 2017 Thana -RAJAOLI District- NAWADA

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1. Mukesh Kumar, Son of Vijay Manjhi, resident of Village- Gariba,
Police Station- Rajauli in the district of Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

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

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in Spl (POCSO) Case No. 39A
of 2018 arising out of Rajauli P.S. Case No. 56 of 2017 registered
for the offence punishable under Section 376(D)/34 of the IPC and
Section 3/6/8 of POCSO Act, 2012.

Allegation against the petitioner is of committing
rape upon the informant.

It has been submitted on behalf of the petitioner that
he is innocent and has been falsely implicated in this case.
Statement recorded under Section 164 Cr.P.C is totally different
from the allegation made in the F.I.R. against the petitioner. Doctor
has also not found any evidence of recent intercourse during her



medical examination. Petitioner has got no criminal antecedent and is in custody since 18.03.2017.

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/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Nawada, in connection with Spl. (POCSO) Case No. 39A of 2018 (arising out of Rajauli P.S. Case No. 56 of 2017) with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operative in the trial and shall be represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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