

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71175 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- ANDHRATHARHI District- Madhubani

Chandan Kumar Thakur @ Udai Kumar @ Chandan Thakur, Son of Raj Kumar Thakur, Resident of Village- Tharhi, Police Station- Andhratharhi in the District of Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhuri Kumari, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Andhratharhi P.S. Case No. 77 of 2018 instituted for the offence under Section 376 of the Indian Penal Code and Section 4 of Protection of Children From Sexual Offences Act, 2012.

As per Fard-e-beyan petitioner aged about 30 years took minor daughter of the informant namely, Preeti Kumari aged about 16 years to the nearby bush after enticing her and forcibly committed illegal act with her. The petitioner while enticing the daughter of informant has given her one silver ring and Jhumka. She was found in unconscious condition in the orchard. She narrated the entire story to the informant.

The victim girl on recovery has given statement



under Section 164 Cr. P.C. which is enclosed as Annexure-2, wherein she has stated that while she had gone for passing urine in the night, petitioner caught hold her hands and took her in orchard and committed illegal act with her. She became unconscious and when she regained consciousness, she returned to her house and told about the incident to her parents.

The victim girl was medically examined on 15.7.2018. The Doctor has found her age between 16-17 years. The Doctor has not found any external and internal injury over her body or private part. Hymen ruptured old one. No medical evidence of sexual offence was found at the time of examination.

From the statement of victim girl recorded under Section 164 Cr. P.C. it appears that she has given different version in her statement than the allegation made by her father in the First Information Report. The occurrence is alleged to have taken place on 12.7.2018. The First Information Report has been lodged on 14.07.2018, after delay of two days. The girl has been medically examined on 15.7.2018.

Counsel for the petitioner submits that petitioner is in custody since 6.8.2018. He has no criminal antecedent.



Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, 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 Additional Sessions Judge (1st)-cum-Special Judge, POCSO Act, Madhubani, in connection with Andhratharhi P.S. Case No. 77 of 2018, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

S.Ali/-

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

