

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33678 of 2018

Arising Out of PS. Case No.-247 Year-2017 Thana- FALKAHA District- Katihar

Hari Muni S/o late Boukun Muni Resident of Village- Sohatha, P.S. Falka,
District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 02-08-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Falka
P.S. Case No. 247 of 2017, registered under Section 376 of the
Indian Penal Code and Section 3/ 4 of POCSO Act.

The allegation of informant Brahmdeo Muni is
that before three months, his daughter aged about 13 years had
gone to cut grass in the field. At that time, this petitioner
committed rape upon his daughter and also gave threatening
that if she will disclose the occurrence to anyone, her father
will be killed. After three months, his daughter narrated the
incidence then he informed the Police by submitting written
report on 23.08.2017.

Learned counsel for the petitioner submits that, in



fact, the petitioner and the informant are co-villagers and due to some village dirty politics the petitioner has falsely been implicated in this case by the informant when he came to know about the pregnancy of his daughter, while it is alleged in the fardbeyan of the informant dated 23.08.2017 that rape was committed upon his daughter before three months, but in the medical examination of the victim as held on 28.08.2017, the pregnancy was of 20 to 22 weeks, which indicates that at that time she was carrying the pregnancy of about five months. The age of the victim was assessed in between 14 to 15 years. Further submission is that petitioner has no criminal antecedent. It is also submitted that during the course of investigation, an application was filed on behalf of petitioner for DNA test and the DSP also instructed the I.O, in his supervision note, regarding DNA test, but without DNA test, Chargesheet has been submitted challenging the pregnancy of the victim due to intercourse of the petitioner.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-I-cum-Special Judge,



POCSO Act, Katihar in connection with Falka P.S. Case No.
247 of 2017.

(Rajendra Kumar Mishra, J)

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