

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5062 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- SAHAR District- Bhojpur

Ashutosh Kumar @ Asutosh Kumar son of Naresh Prasad, Resident of Village – Nonaur, P.S. Sahar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 26-03-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with POCSO Case No. 75 of 2018 (Sahar P.S. Case No. 238/18) registered for the offence punishable under Sections 376(2)(i) of the Indian Penal Code and Section 6 of POCSO Act.

Informant is the father of victim, who has alleged, committing rape upon his minor daughter Khushi Kumari by the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to family dispute. It has been further submitted that informant and his wife are not eye witness to the occurrence. It has been



further submitted that informant has stated in the FIR the age of victim as 4 ½ years and has alleged that petitioner has committed rape, however same is not supported by Medical evidence. The statement of victim made under Section 164 of Cr.P.C. also does not support commission of rape. The case has been instituted on misunderstanding. The allegations are imaginary and medical report demolishes the allegations made in FIR. Petitioner has no criminal antecedent and he is in custody since 01.11.2018.

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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-POCSO Judge, Bhojpur, Ara, in connection with POCSO Case No. 75 of 2018 (Sahar P.S. Case No. 238/18) subject to the conditions that:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two



consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(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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