

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3935 of 2019

Arising Out of PS. Case No.-268 Year-2018 Thana- GORAUL District- Vaishali

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AMIRCHAN KUMAR @ AMIRCHAN THAKUR AGED ABOUT 20
YEARS S/O RAMBABU THAKUR VILLAGE – RASOOLPUR DAUD, PS
GORAUL (OP. KATHARA) DISTRICT VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 13-03-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 376, 506 of the Indian Penal Code and Section 4/6 of the POCSO Act.

Informant is the Mother of victim who has stated in her written complaint that her 7 years minor girl Anamika Kumari was playing at the door when her neighbour Amirchan Kumar (petitioner) 20 years old took her on his motorcycle and allegation is that he committed rape upon her as a result of which she sustained injury in her hand and feet and her behavior was also changed and after much persuasion she disclosed the offence committed by petitioner.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case due to enmity between the family and both are agnates. The girl was subjected to medical examination and the medical report suggest that no internal or external injury was found. Hymen was intact and sexual assault was denied by the medical team. Petitioner has got no criminal antecedent and is in custody since 01.09.2018.

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/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Goraul P.S. Case No. 268 of 2018**, with following conditions:-

(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 shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(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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