

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6748 of 2019

Arising Out of PS. Case No.-87 Year-2017 Thana- MAHILA PS District- Jehanabad

Manish Kumar @ Mantu, Gender-Male, aged about 32 years, Son of Late Ravindra Prasad, Resident of Village - Korauna, P.S- Korauna in the district of Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-02-2019 Heard learned Counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 345(C) and 120(B) of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case as per the written report of Pinki Kumari submitted to SHO, Mahila Police Station is to the effect that the informant used to go to attend coaching classes at Jehanabad with her friend Priya Kumari. On 08.11.2017, when she was returning after attending coaching classes, her friend Priya Kumari asked her to accompany her to the market and she took her to Murlidhar Rest House, where she was being taken to



room where a person namely, Gautam Kumar ravished her and also took pictures and recorded videos of the same and threatened her that whenever she will be called she has to come otherwise her photos and videos will be made viral. After that the informant came to her house and disclose the whole incident to her parents. It is further alleged that on 20.11.2017, in the statement recorded under Section 164 of the Cr. P.C., she alleged that one Gautam Kumar and One Mantu Kumar ravished her.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and for the occurrence of 08.11.2017 the FIR was registered on 9.11.2017 at 9.30 P.M. It is further submitted that the accusation is not being corroborated by any medical report and co-accused Gautam Kumar has been put on trial, where the informant has not supported the prosecution case and the investigation against the petitioner is still pending.

It is submitted by learned APP for the State that informant has named the petitioner in the statement recorded under Section 164 of the Cr. P.C.

Considering the delayed lodging of the case and inconsistency between the FIR and the statement recorded under



Section 164 of the Cr. P.C., coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Additional Sessions Judge-I, Jehanabad** in connection with **Jehanabad Mahila P.S. Case No.87 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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