

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9337 of 2019

Arising Out of PS. Case No.-29 Year-2017 Thana- MAHILA P.S. District- Siwan

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RAM BABU TURHA @ RAM BABU SAH Son of Ganesh Turha Resident
of Village- Nawada Bankata, Police Station- Raghunathpur, Disrtrict- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 12.12.2018 in a case registered for the offences punishable under Sections 376 and 120B of the I.P.C. and Sections 6 and 8 of POCSO Act.

The prosecution case as per the written report of Juli Kumari submitted to the SHO, Mahila Police Station, Siwan is to the effect that on 5.10.2017 at 7.00 P.M., the informant, namely Juli Kumari, aged about 15 years, went to the agricultural field to ease, in the meantime, co-accused Shiv Kumar gagged her and took her into the nearby orchard on the point of knife. It is alleged that the petitioner and co-accused Akshay Lal Bhar were passing on that time and they asked Shiv Kumar to take the informant far away as her family members are searching her. Thereafter, it is alleged that co-accused Shiv



Kumar ravished her and reached her to her house in the night.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Shiv Kumar. It is further submitted that for the occurrence of 5.10.2017 at 7.00 P.M., the FIR was registered on 6.10.2017 at 3.05 P.M. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the accusation under Sections 376 of the IPC and the POCSO Act is only levelled against co-accused Shiv Kumar and the period under custody, 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 the learned Ist Additional Sessions Judge-cum-Special Judge, Siwan in connection with Siwan Mahila P.S. Case No.29 of 2017.

(Dinesh Kumar Singh, J)

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