

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10593 of 2019**

Arising Out of PS. Case No.-214 Year-2018 Thana- ARIYARI District- Sheikhpura *

AKASH KUMAR @ MACHALI, (Gen) (Male) Age 21 years, Son of Ranjeet Kumar Mahton @ Ranjeet Kumar Resident of Muhalla- Jamalpur, P.S. & DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 14-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act.

Informant is mother of the victim girl, who in her written complaint has stated that on 13.12.2018 at about 7.30 P.M, when she and her daughter were sleeping after taking meal, petitioner entered in the room and tried to commit rape on her daughter and on raising alarm, petitioner was caught and was handed over to the police.

It has been submitted on behalf of the petitioner that he is mentally ill which was subsequently also admitted by the informant and she filed a petition that the case was instituted



due to misunderstanding. Petitioner has no criminal antecedent and he is undergoing treatment in Kanke Mental Hospital and he is in custody since 15.12.2018.

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 Ariyari P.S. Case No. 214 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 absence on two consecutive dates without sufficient reason, his 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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