

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16389 of 2019

Arising Out of PS. Case No.-118 Year-2018 Thana- PURNAHYA District- Sheohar

RAJA BABU KUMAR, aged about 18 years (Male), Son of Bharat Roy,
Resident of Village- Kolhua Thikaha, P.S.- Purnahiya, District- Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Prabhat Kumar, Advocate.

For the Opposite Party : Mr.Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 24-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
15.11.2018 in a case for the offence registered under Sections
376(D), 120(B)/34 of the IPC and 4 of POCSO Act.

The prosecution story, in brief, is that when the
informant, a girl aged about 15 years, had gone to attend call of
nature, three persons including the petitioner intercepted her.
Raja Babu Kumar (petitioner) committed rape against her and
other two were keeping hold on her.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The date of occurrence is said to be 31.10.2018 as to when the F.I.R. was instituted on 02.11.2018. Delay has not been explained on the part of the prosecution. The prosecution has not come with clean hands. The witness in her statement recorded under Section 161 Cr. P.C. has not supported the allegation made in the F.I.R., as to when she is a witness as per the F.I.R. Other co-accused has been granted bail by another Coordinate Bench of this Court vide Cr. Misc. No. 9069 of 2019 under order dated 30.04.2019. The following is the medical examination report of the victim.

“The smears prepared from the swab received and the smeared unstained glass-slide was examined which showed only few mature squamous epithelial cells. No spermatozoa was found.”

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



District and Sessions Judge 1st-cum-Special Judge, Sheohar, in
connection with Purnahiya P.S. Case No. 118 of 2018.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

