

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16464 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- KADIRGANJ District- Patna

JITENDRA KUMAR, aged about 19 years, Son of Krishna Prasad Mahto @
Krishna Prasad, R/o Village- Lal Bag, P.S.- Kadirganj, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ranjit Prasad, Advocate.

For the Opposite Party : Mr.Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-07-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
06.10.2018 in a case for the offence registered under Sections
376 of the IPC, 4, 8 and 12 of POCSO Act.

The prosecution story, in brief, is that on 05.10.2018
the minor daughter of the informant aged about five years, had
went to Anganbari Centre and when she alongwith her brother
Ravi Kumar aged about three years, reached near *Ganj* of
Netaji, in the meantime, Jitendra Kumar (petitioner) induced her
and caught her and pulled her *Paint* and did wrong act with her
at the middle of two *Ganjes*, due to that, she began to cry upon
which, the informant went there and saw that Jitendra Kumar
(petitioner) was fleeing seeing her and her daughter was



weeping near the Ganj and she became unconscious and the informant saw that blood was coming from the private part of her daughter. Thereafter, she sprinkled water and made her conscious then her daughter disclosed the wrong act of Jitendra Kumar (petitioner). It is further alleged that at the time of said occurrence, no male member was present at the house. Hence, the informant gave her *Byan* on 06.10.2018.

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. In course of investigation, the place of occurrence was examined. There is no substantive evidence to support the allegation made in the F.I.R. The opinion of the doctor is as follows:-

“Age of Swity Kumari is about (3 to 5) years. No sign of sexual intercourse.”

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, POCSO, Patna, in connection with Kadirganj P.S. Case No. 106 of 2018 (Special Case No. 205 of 2018).

(Sudhir Singh, J)

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