

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21878 of 2019

Arising Out of PS. Case No.-62 Year-2018 Thana- MATIYARIA District- West Champaran

1. DILEEP KUMAR Son of Om Prakash Mahto Resident of Village- D.K. Sherahwa, Police Station - Matiyariya, District- West Champaran.
2. Atul Kumar Son of Babulal Mahto Resident of Village- D.K. Sherahwa, Police Station - Matiyariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-04-2019 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners seek bail in a case instituted for the offences under Section 376(D) of the Indian Penal Code and sections 4 and 6 of the POCSO Act in which the charge-sheet has been submitted under section 376(D) IPC.

The prosecution allegation in short is that the accused persons forcibly caught hold of the informant, took her in the field and committed ill-behaviour with him.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 22.11.2018 and have got no criminal antecedent. There is no allegation of tampering of



witnesses alleged against the petitioners. Charge-sheet has been submitted in the present case. Due to previous enmity, the present case has been instituted which is result of Annexure-3. The medical report is Annexure-2 to the present application which does not support the allegation of rape. The present case has been instituted for oblique reasons.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioners, 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 learned Additional Sessions Judge-1st -cum- Special Judge, Bettiah, West Champaran in connection with S.G.R. No. 196 of 2018 arising out of Matiyariya P.S. Case No. 62 of 2018.

(Sudhir Singh, J)

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