

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20406 of 2019

Arising Out of PS. Case No.-40 Year-2018 Thana- MAHILA PS District- Khagaria

Rajdeo Chourasiya Son of Late Fuleshwar Chourasiya @ Fuleshwar Prasad
Resident of Village- Bhutauli Malpa, P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 09-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case egistered under Sections
376, 511, 506 of the Indian Penal Code and Section-18 of the
POCSO Act.

Prosecution case in short is that at night, while all the
teachers left the school for enjoying feast, the petitioner being
alone in the school, in question, took the victim in his room and
attempted to commit rape.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation
of tampering of witnesses alleged against the petitioner. The
petitioner is in custody since 14-08-2018. Charge sheet has
already been submitted. The petitioner has remained in custody



for more than nine months. The petitioner has been falsely implicated in the present case due to village politics. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The statement of the other witness, present at the place of occurrence, has been recorded in paragraph-13 of the case diary. No such statement has been made by the said witness in respect of allegation made in the FIR. The medical examination report also does not support the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/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 learned Additional Sessions Judge-Ist-cum-Special Judge, POCSO Act, Khagaria in connection with Khagaria Mahila P.S. Case No. 40 of 2018 (POCSO case No. 24 of 2018).

(Sudhir Singh, J)

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