

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1497 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- ANGARH District- Purnia

Milan Kumar Das @ Manglu, son of Ashok Das @ Ashok Kumar Lashkar,
Resident of Village- Majgama, Police Station- Angarh, District- Purnia.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, APP

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 05-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in **Special (POCSO) Case**
No.111 of 2018 arising out of Angarh P.S. Case No.12 of 2018
instituted for the offence under Section(s) 376 Indian Penal
Code, Sections 6, 8 of the POCSO Act and Sections 3(i)(w)(ii),
3(2)(Va) of Scheduled & Scheduled Tribes (Prevention of
Atrocities) Act.

In the written report, it is alleged that on 27.7.2018
this petitioner caught hold the informant and took her to his
house and committed rape with her whole night. She anyhow
managed to run away in the morning and came to her house and
told her parents about the occurrence. Thereafter, instant case
has been lodged.



The victim girl has been examined on the next day i.e. 28.07.2018 at 5.30 PM by the Doctor. The Doctor has not found any external injury anywhere on her body including her private part. The Doctor has assessed her age between 18 to 19 years.

It further appears that petitioner was also medically examined on 28.07.2018 at 6.30 PM. The Doctor has assessed his age between 19 to 20 years. No injury was found over his genetelia.

The learned APP submits that victim has given statement under Section 164 Cr.P.C., wherein, she has supported the case.

This Court finds that victim has been examined on the very next day of the occurrence. The Doctor has not found any injury on any part of her body including the private part. From the impugned order, it appears that police after investigation has submitted charge-sheet under Section 342, 354 Indian Penal Code and Sections 3(i)(w), 3(2)(Va) of Scheduled & Scheduled Tribes (Prevention of Atrocities) Act, but cognizance has been taken also under Section 376 Indian Penal Code.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. 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 **1st Additional Sessions Judge cum Special Judge, POCSO Act, Purnia**, in connection with **Special (POCSO) Case No.111 of 2018 arising out of Angarh P.S. Case No.12 of 2018**, subject to the condition that both the bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

J. Alam/-

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