

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22451 of 2019**

Arising Out of P.S. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Siwan

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DILIP KUMAR @ DILIP KUMAR MAHTO, Male, aged about 22 years Son
of Nandlal Mahto, Resident of Village-Samopur, Police Station-G.B.Nagar,
District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
04.01.2019 in connection with Siwan Mahila P.S.Case No.04 of
2019 for the offence alleged under Section 376(AB) of the
Indian Penal Code and Sections 4/8 of the POCSO Act.

The prosecution case as lodged by the victim girl
Nisha Kumari is that while she went for natural call in the field,
the petitioner tried to commit rape on her but on alarm local
people gathered and the petitioner fled away.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent, he is the uncle of the petitioner and due to land dispute, he has been made accused in the present case. He further submits that the medical report assessed her age to be 18-19 years although she stated to be 17 years of her age. He further submits that no overt-act has been committed by the petitioner and the petitioner is languishing in judicial custody since more than three months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Siwan Mahila P.S.Case No.04 of 2019 to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Siwan, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the



learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

B.Kr./-

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