

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22446 of 2019**

Arising Out of P.S. Case No.-26 Year-2019 Thana- CHAND District- Kaimur (Bhabua)

MUTUR BIND @ MUTURU BIND @ MUDUR BIND, aged 22 years
(Male) S/o Murat Bind R/o village- Konahara, P.S.- Chand, District- Kaimur
(Bhabua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

**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 seeks bail in connection with Chand
P.S.Case No.26 of 2019 corresponding to POCSO Reg.No.10 of
2019 for the offence alleged under Sections 342, 376 and 511
of the Indian Penal Code and Sections 8 of the POCSO Act.

The prosecution case as lodged by the victim girl
Sima Kumari is that in the evening when she was went for
natural call, the petitioner tried to commit rape on her but she
escaped and came to her house.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and



is a married man and no such offence has been committed. He submits that there is no eye witness to the alleged occurrence and no case under Section 376 of the Indian Penal Code is made out against him. He further submits that no overt-act has been committed by the petitioner and he is languishing in judicial custody since 02.03.2019.

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 Chand P.S.Case No.26 of 2019 corresponding to POCSO Reg.No.10 of 2019 to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge, Kaimur at Bhabua , 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.

(ii) 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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