

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24854 of 2019

Arising Out of PS. Case No.-176 Year-2018 Thana- MATIHANI District- Begusarai

SUMIT KUMAR Son of Dilip Ray, Resident of Ward No.9, Rachiyahi,
Purana Tola, P.S-Matihani, District-Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 376/34, 120(B), 366A of the Indian Penal Code and
Section-4/8 of the POCSO Act.

The prosecution case, in short, is that the informant's
daughter along with one Jyoti Kumari went to her Nanihal but
she did not return from till night. Next day, the informant's
daughter returned and made allegation of kidnapping and rape
against the accused persons.

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 16-12-2018. Charge sheet has
already been submitted. The petitioner has been falsely



implicated in the present case. There is allegation of commission of rape alleged against the petitioner and others. The victim was examined by the Medical Board and following internal finding was recorded:

“No seminal stain on genitalia and thighs. No injury on pubic part and genitalia, Hymen intact, Vaginal swab taken and sent to pathologist for examination of spermatozoa”.

The said report of the Medical Board is Annexure-3 to the present application. The report of the Medical Board does not support the allegation as contended by the informant.

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 Shri Anil Kumar Sinha, learned Ist Additional Sessions Judge-Ist, Begusarai, in connection with Matihani P.S. Case No. 176 of 2018, POCSO Case No. 96 of 2018.

(Sudhir Singh, J)

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