

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24027 of 2019

Arising Out of PS. Case No.-95 Year-2018 Thana- PIPRA District- Patna

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RAMESH MOCHI Son of Sudeshwar Mochi @ Jethu Mochi, Resident of
Village - Khapura, P.S.- Pipra, Distt.- Patna. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Sinha
For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

6 19-07-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 342, 376 and 511 of the Indian Penal Code.

While the informant had gone to hand pump to fetch water Ramesh Mochi pressing her mouth took her to hut and shoved her and when the villagers congregated responding hulla made by her he made his good escape.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. As a matter of fact, there was dispute with the mother of the informant about cleaning of drain and her mother had got this false and frivolous case against the petitioner through her daughter. There is vital contradiction between the written report



and the statement made under Section 164 Cr.P.C. regarding the time of occurrence and manner of occurrence etc. as in the statement made under Section 164 Cr.P.C. she has stated that she started fetching water from the hand-pump after leaving the place by the petitioner and in the said statement she has also stated that the petitioner assaulted her on various parts by means of tiles. The aforesaid contradiction creates serious doubt about the prosecution case. Petitioner has no criminal antecedent.

Learned APP for the State opposed the bail petition.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Special Judge POCSO, Patna in connection with Pipra P.S. Case No. 95 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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