

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26276 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- NTPC District- Patna

SANJIV KUMAR @ SANJIV THAKUR @ BRAHAM THAKUR @
BRAHAN THAKUR, aged about 53 years (Male), Son of Shri Chandrika
Thakur, Resident of Village - Nawada Ghat, P.O.- Mohammadpur, P.S.-
N.T.P.C. (Barh), Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gyanendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
17.12.2018 in a case for the offence registered under Sections
376 of the IPC, 4 and 6 of POCSO Act.

The prosecution story, in brief, is that on 15.12.18 at
about 3.00 P.M. the informant, namely, Manisha Kumari, was
combing her hair on her roof. In the meantime, the petitioner
came on his roof and called her on his roof. When she has not
come then this petitioner forcibly took her on his roof and
committed rape in semi constructed house. On hulla, her sister-
in-law (Bhabhi) came and tried to rescue her. Even then, this
petitioner committed rape upon the victim. On hulla made her
Bhabhi, the petitioner fled away from there.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. As per the medical examination report, the victim is said to be of 18 years. There is no positive sign of rape indicated by the Medical Officer. The medical report is Annexure-2 to the present application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the 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 the learned Additional Sessions Judge-Ist-cum-Special Judge, POCSO Act, Patna, in connection with N.T.P.C. (Barh) P.S. Case No. 85/18/Spl. Case No. 246/2018.

(Sudhir Singh, J)

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