

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39476 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- MAHILA PS District- Khagaria

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RUPESH KUMAR @ BHOLA Son of Late Pravin Sahni Resident of Village- Bagdoe (Goure Shakti), Police Station- Muffasil, District- Khagaria. Under guardianship of his uncle Sanjay Sahni Son of Anandi Sahani Resident of Village- Bagdoe (Goura Shakti), Police Station Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 01-07-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **POCSO Case No. 35 of 2018 arising out of Khagaria Mahila P.S. Case No. 67 of 2018**, instituted for the offence under Section(s) 376 of Indian Penal Code and Section 3/4 of POCSO Act.

It is alleged in the written report by the victim girl (informant) that on the date of occurrence she was alone in her house and was keeping utensils, this petitioner caught hold and committed rape with her. He gave threat of dire consequences when she raised *hulla*. She has given information about the occurrence to her mother on the same day in the night.

Counsel for the petitioner submits that as per



written report the occurrence has taken place on 12.12.2018 at 3:00 p.m. but the informant has filed the instant case after three days of the occurrence i.e. on 15.12.2018. The victim girl (informant) has been examined on 17.12.2018. The Medical Report of the informant has been enclosed as Annexure-2 wherein the Doctor has found no mark of injury on any part of her body. The Doctor has opined her age between 16-18 years.

The statement of victim girl (informant) has been recorded under Section 164 Cr. P.C. wherein she has stated that she had given information to her mother about the occurrence on same day at night, but as per First Information Report the case has been registered after two days without giving any explanation of delay in lodging the First Information Report. The Doctor has found no external injury on the person of the informant. As per Medical Board the informant is major.

Petitioner is in custody since 11.3.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge 1st-cum-Special Judge, Khagaria,
in connection with **POCSO Case No. 35 of 2018 arising out of**
Khagaria Mahila P.S. Case No. 67 of 2018, subject to the
condition that both the bailors will be close relatives of the
petitioner.

(Sanjay Priya, J)

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