

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33650 of 2019

Arising Out of PS. Case No.-515 Year-2018 Thana- DIGHA District- Patna

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MUKESH KUMAR Son of Late Rampreet Saw Resident of Village - Kurzi,
Kotiya, Vikas Nagar, P.S.- Digha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Advocate. Mr. Amrendra Kumar, Advocate Mr. Arun Kumar Mehta, Advocate
For the informant	:	Ms. Sushmita Singh, Advocate
For the State	:	Mr. Satyendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 02-09-2019 Heard learned counsel for the petitioner and the

State.

The petitioner seeks bail in **Digha P.S. Case No. 515 of 2018, Special POCSO Case No. 208 of 2018**, instituted for the offence under Section(s) 376 of Indian Penal Code, Sections 4, 8 and 10 of POCSO Act.

In the written report it is alleged that petitioner who is *Karate* teacher took daughter of the informant aged about 3 ½ years on the pretext to take to her Phua house and committed illegal act with her.

Medical report was called for which has been received. In the medical report Doctor has not stated about any



injury on the person of the victim girl. The age of victim girl has been assessed below five years.

FSL report has been received wherein it is mentioned that Semen could not be detected in any of the exhibits marked A/1, A/2, B/1 and B/2.

Learned A.P.P. has submitted that victim girl in her statement recorded before the Police has identified this petitioner on the basis of photograph shown in the Mobile and has stated that this uncle has committed illegal act. She has not described the manner in which the illegal act has been committed.

Counsel for the petitioner submits that medical report and FSL do not support the case of prosecution.

Petitioner is in custody since 10.10.2018 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, POCSO Act, Patna**, in connection with **Digha P.S. Case No. 515 of**



2018, Special POCSO Case No. 208 of 2018, subject to the condition that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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