

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34632 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- TARAPUR District- Munger

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1. PRABHAKAR KUMAR Son of Mahesh Yadav
 2. Krishna Dev Kumar @ Dev Son of Sanjay Kumar Singh @ Sanjay Singh
Resident of Village- Pyarpur, Police Station- Tarapur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Ranjan
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 376/34 of the Indian Penal Code and Section 4 of the Prevention of Child from Sexual Offences (POCSO) Act.

Allegation against the petitioners is that they committed rape on victim girl/informant on 10.03.2019 at 8.30PM.

Learned counsel for the petitioners submits that the petitioners are in judicial custody since 13.03.2019. He submits that the charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the



petitioners. He submits that the age of the victim girl has been assessed by the doctor 17-18 years. He further submits that the allegation of committing rape is false and frivolous as the medical Board has not confirmed the allegation of rape as no injury was found on the external and internal part of the victim girl.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st Munger-cum-Special Judge (POCSO) Act in connection with Tarapur Police Station Case No. 39 of 2019, subject to the conditions:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and their absence on two consecutive dates without sufficient reasons, their bail bond shall be cancelled by the court below.

(III) If the petitioners tamper with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioners.

(Anjani Kumar Sharan, J)

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