

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37356 of 2019

Arising Out of PS. Case No.-5 Year-2018 Thana- DHANSOI District- Buxar

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DIPAK KUMAR Son of Late Chandrika Prasad Ram Resident of Village-
Kutubpur, P.S.- Gahmar, District- Ghazipur (U.P.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Devi Das Srivastava

For the Opposite Party/s : Mr.Satyavrat Verma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-06-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Dhansoi P.S. Case No. 05 of 2018 (POCSO Case No. 03 of 2018)**, instituted for the offence under Section(s) 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.

In the written report the informant alleged that on the date of occurrence the petitioner committed rape with her.

Counsel for the petitioner submits that during trial in the court below the victim girl along with her mother and other family members has been examined but they have not supported the case of prosecution. The deposition of victim girl (informant) has been enclosed as Annexure-2 series wherein she has not levelled any allegation against petitioner of committing rape with her. She has not identified the petitioner.

Petitioner is in custody since 10.7.2018 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 District and Sessions Judge-1st-cum-Special Judge, Buxar,** in connection with **Dhansoi P.S. Case No. 05 of 2018 (POCSO Case No. 03 of 2018)**, subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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