

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41243 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- ALAMNAGAR District- Madhepura

Deepak Kumar Mandal @ Dipak Mandal Son of Dilip Mandal Resident of
Village-Pachmira Tola, P.S.-Alamnagar (Ratwara O.P.) District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner who is in custody since 28.01.2019 has filed the instant application for grant of bail in connection with POCSO Case No. 6 of 2019 arising out of Alamnagar (Ratwara O.P) P.S. Case No. 18 of 2019 registered for the offence punishable under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the allegation in the FIR, Lalo Kumar @Amit Kumar and the petitioner Deepak Kumar are alleged to have committed rape on the informant.

It is submitted by learned counsel for the petitioner that from the FIR, it would transpire that the occurrence had taken place on 23.01.2019 but the information was given in the police station on 25.01.2019 at 15.30 hours without there being



any explanation for the delay. It is further submitted that even in the statement of the informant recorded under section 164 Cr.P.C she has changed her version and stated that it was Amit Kumar who committed rape on her.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the changed version between the FIR and the statement under section 164 Cr.P.C, the petitioner being in custody since 28.01.2019 and having no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Madhepura in connection with POCSO Case No. 6 of 2019 arising out of Alamnagar (Ratwara O.P) P.S. Case No. 18 of 2019.

(Partha Sarthy, J)

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