

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37763 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

SHIVSHANKAR KUMAR Son of Chandra Mohan Mandal Resident of
Village-Kathouni, P.S.-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 06-09-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376,341,504/34 of the Indian Penal Code and Section 4/6 of POCSO Act registered in connection with Jagdishpur P.S. Case No. 84/2019.

3. It is submitted that the petitioner has been falsely implicated on the accusation of having committing rape upon the informant who is a minor girl of 17 years of age. It is submitted that the informant is in fact major as evident from her own fardbeyan in Jagdishpur P.S. Case No.189/2015 (Annexure-2) wherein she has described herself as being 15 years of age. It is submitted that the informant is in fact habit of making false allegation as in the aforesaid FIR accusation had been made against one Md. Karu under Section 354A/504/509 IPC and



after trial the said Md. Karu has been acquitted in terms of judgment dated 26.04.2017 in G.R. Case No.3933/2015. The petitioner claims clean antecedent.

4. The learned APP appears and has been heard. He has not pointed to any objective material against the petitioner in the case diary. He further refers to para-43 of the case diary in which the age of the victim has been found to be more than 18 years.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, Ist -cum- Special Judge, POCSO Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 84/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Prakash Narayan /-

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