

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38539 of 2019

Arising Out of PS. Case No.-55 Year-2019 Thana- BIBHUTIPUR District- Samastipur

MITHUN KUMAR Son of Raj Kumar Das Resident of Village-Mana Rai
Tole, Police Station-Bibhutipur and District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner and the
State.

The petitioner seeks bail in **Bibhutipur P.S. Case No. 55 of 2019**, instituted for the offence under Section(s) 377 of the Indian Penal Code, Sections 4, 6 and 10 of Prevention of Children from Sexual Offences (POCSO) Act.

It is alleged in the written report that son of the informant aged about 9 years who is student of Class-IV was going to school at 9.00 a.m. The petitioner took him to wheat field and committed unnatural act with him. He gave threat to his son of dire consequences.

Counsel for the petitioner submits that First Information Report has been lodged on 9.3.2019. The victim boy has been examined by the Medical Board on same day.

Case diary has been received.



The medical report is available in paragraph-29 of the case diary wherein the Doctor has found no abrasion, no laceration and no injury on the person of the victim boy. The Doctor has also not found any sign of sexual assault on the person of the victim boy.

The statement of victim boy recorded under Section 164 Cr. P.C. is available in paragraph 47 of the case diary wherein he has stated that he did not know the name of person who had taken him to wheat field.

Petitioner is in custody since 10.3.2019 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 1st Additional Sessions Judge, Samastipur**, in connection with **Bibhutipur P.S. Case No. 55 of 2019**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

S.Ali/-

U		T	
---	--	---	--

