

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37886 of 2019

Arising Out of PS. Case No.-19 Year-2018 Thana- MAHILA PS District- Aurangabad

MATENDRA KUMAR @ GUDDU KUMAR Son of Kaushal Kumar Gupta
Resident of Village - Darha, P.S. - Goh, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 26-06-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Mahila P.S. Case No.
19/2018, instituted for offences under Section(s) 342, 376 and
323 of the Indian Penal Code read with Section 4 of POCSO
Act.

It is alleged in the written report that on the date of
occurrence at about 10:00 A.M. informant had gone to the house
of Sudama Sao for charging mobile phone, where only
petitioner was present. It is alleged that petitioner locked the
door from inside and forcibly committed rape with her.
Thereafter petitioner tied the hand and legs of informant and
went outside. It is further alleged that in the evening petitioner
returned and untied the victim and asked her to return home.



Learned counsel for the petitioner has submitted that occurrence has taken place on 26.06.2018 and the *Fardbeyan* has been lodged on 30.06.2018 without giving any explanation. It is further submitted that victim has filed compromise petition before the court below vide Annexure-4.

Learned counsel for the petitioner has submitted that victim was sent for examination on 30.06.2018 to Sadar Hospital, Aurangabad, wherein doctor has opined that it is uncertain whether sexual contact was established or not but victim is habitual to do sexual intercourse.

Learned counsel for the petitioner has submitted that in the statement recorded under Section 164 Cr.P.C., informant has narrated same story as that of *Fardbeyan*, but in the compromise petition filed as Annexure-4, it is mentioned that *Fardbeyan* was drafted by the police and she put the signature without reading the same.

Petitioner is in custody since 02.05.2019.

Considering the aforesaid facts and circumstances, 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 the learned Addl. Sessions



Judge 1st -cum-Special Judge (POCSO), Aurangabad (Bihar) in connection with Mahila P.S. Case No. 19/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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