

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38814 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- BAJPATTI District- Sitamarhi

MAHENDRA SAH Son of Late Sonelal Sah Resident of Village - Mirjapur,
P.S.- Bajpatti, Distt - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-08-2019 Heard the learned counsel for the petitioner, informant
and the learned A.P.P. for the State.

The petitioner seeks bail in Bajpatti P.S. Case No.
37/2019, instituted for offence under Section(s) 376 of the
Indian Penal Code read with Section 8/12 of POCSO Act.

It is alleged in the written report that on the date of
occurrence while daughter of informant was cutting grass at 12
O'clock, petitioner came and committed rape with her near a
ridge.

Learned counsel for petitioner has submitted that
occurrence has taken place on 29.01.2019. The case has been
registered on 01.02.2019. Victim has been examined on the
same day but there is no sign of rape on the person of victim.

Written report does not support the allegation levelled



against this petitioner.

The statement of victim girl under Section 164 Cr.P.C. was recorded on 02.02.2019.

In the written report it is alleged that due to commission of rape with the victim there was bleeding from her private part. The cloth was soaked with blood. But during investigation no blood soaked cloth have been recovered from the place of occurrence.

In medical report no injury has been found on the body of victim or on her private part. Her hymen was found intact.

In the statement recorded under Section 164 Cr.P.C. victim has given vague statement that old man has committed illegal act with her after disrobing her.

Petitioner is in custody since 02.02.2019.

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 1st Addl. Sessions Judge - cum- Special Judge, POCSO Act, Sitamarhi, in



connection with Bajpatti P.S. Case No. 37/2019, subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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