

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41108 of 2019**

Arising Out of PS. Case No.-57 Year-2017 Thana- GAYA MUFASIL District- Gaya

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Santan Kumar, Son of Chandra Shekhar Sharma, Resident of 71/78
Vishnupad Road Chand Chaura Gaya, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with POCSO Case No. 18 of 2017 arising out of Muffasil P.S.
Case No. 57 of 2017, registered under Sections 376 and 328 of
the Indian Penal Code and Section 4 of the POCSO Act.

The accusation is of committing rape of Kumari
Rani, informant, by Mantu Yadav @ Abhinav Kumar.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. nor the victim-informant
disclosed the name of petitioner in her statement as recorded
under Section 164 Cr.P.C. but in course of trial of co-accused,
Mantu Yadav @ Abhinav Kumar in POCSO Case No. 18 of



2017, victim-informant disclosed the name of this petitioner along with others involving in committing rape with her and thereafter, petitioner has been summoned under Section 319 Cr.P.C.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO Act, Gaya, in connection with POCSO Case No. 18 of 2017 arising out of Muffasil P.S. Case No. 57 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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