

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54939 of 2018

Arising Out of PS. Case No.-2 Year-2017 Thana- MAHILA P.S. District- Sitamarhi

Raju Tiwary S/o Umashankar Tiwary @ Tuntun Tiwary, R/o Vill.- 116/2,5
Kathaur, Kahtor Urf Baikunthpur, Sitamarhi, P.S.- Parsauni, District-
Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Aditya Nr. Singh I, Advocate and
Mr. Ritesh Kumar Narain Singh, Advocate
For the Opposite Party : Mr. Pranav Kumar, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-02-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

Petitioner seeks regular bail in a case registered for
offence under section 376(G) of the Indian Penal Code and
under section 4/6 of the POCSO Act.

It is submitted by learned counsel for the petitioner
that there is no consistency between narration of the occurrence
given in the First Information Report and that of the statement
of the victim made under section 164 of the Code of Criminal
Procedure. He submits that from the medical report it is clear
that there is no external injury found on the victim and that it is
not possible to opine with certainty whether occurrence taken
place or not. Petitioner is in custody in the instant case since



31.1.2017 and prior to the instant case there is no criminal antecedent of the petitioner.

Considering the aforesaid submissions and the facts and circumstances of the case, prayer for bail to the petitioner is allowed. Let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge cum Special Judge, Sitamarhi in Sitamarhi Mahila Police Station Case No. 2 of 2017, GR No. 287 of 2017 on the following conditions:-

One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he/she is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner and

The Petitioner will be well represented on each date and if he/she fails to do so on two consecutive dates, his/her bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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