

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39330 of 2019

Arising Out of PS. Case No.-112 Year-2018 Thana- ISHIPUR District- Bhagalpur

Niraj Modi @ Niraj Kumar @ Niraj Kumar Modi S/o Rajo Modi @ Raja Ram Modi Resident of Madhura Simanpur, P.S.- Ishipur Barahat, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-06-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered under Section 376(3) of the Indian Penal Code and Section-4 of the POCSO Act.

Allegation against the petitioner is of taking away the minor daughter of the informant in middle of the field and committing rape upon her.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is in custody since 27-01-2019. Charge sheet has already been submitted. The petitioner has been falsely implicated in the present case. The alleged date of



occurrence is 14-10-2018 and the case was instituted on 24-10-2018. The delay in lodging the case has not been explained by the prosecution. The medical examination report also does not support the allegation made in the FIR. From perusal of the order of the Sessions Court, it is evident that the witnesses in paragraphs-8 & 9 have stated that a quarrel had taken place between the parties on the issue of grazing the goat and for the said reason, the present case has been instituted.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Ist Additional Sessions Judge-cum-Special Judge (POCSO) Act, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 112 of 2018.

(Sudhir Singh, J)

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