

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68543 of 2018

Arising Out of PS. Case No.-527 Year-2018 Thana- SONEPUR District- Saran

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Pawan Kumar Singh @ Pawan Kumar @ Pawan Singh, Son of Sri Triloki Singh, Resident of Village/Mohallah- Kharika , P.S.- Sonepur, District- Saran at Chapra Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr. Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 376/34 of the Indian Penal Code and Sections 4/16 of the POCSO Act.

The prosecution allegation, in short, is that while the informant went to attend the call of nature, she was forcibly taken by the accused in the factory and later committed rape on her.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The



statement of the Chawkidar of the *kanti* factory is recorded in paragraph 184 of the case diary in which he has denied in respect of occurrence taken place in the factory. The place of occurrence itself has been doubted. In the statement of the Chawkidar, the nearby residents of the place of occurrence whose statement has been recorded in paragraphs 185 to 187 of the case diary, have stated that there was some altercation took place between the accuseds Deepak and Santosh with the father of the victim. The said witnesses have also not supported the commission of rape. The petitioner being the owner of the tractor in question has been dragged in the present case in course of investigation. The victim is the informant of the present case. At the first instance, she has not named the petitioner, subsequently in her Section 164 Cr.P.C. statement, she has dragged the name of the petitioner. The victim was examined by the medical board. The medical board did not find sign of rape upon the victim. It is further stated that the victim is habitual to sexual intercourse and she is an unmarried lady.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R. His named transpired in course of investigation.

Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -1st -cum- Special Judge, POCSO Act, Saran at Chapra in connection with Sonepur (Pahleja O.P.) P.S. Case No. 527 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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