

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52286 of 2018

Arising Out of PS. Case No.-581 Year-2018 Thana- SONEPUR District- Saran

ROUSAN KUMAR @ RAUSHAN KUMAR S/o Shiv Janam Mahato, R/o
Vill.- Shaidpur, P.S.- Sonepur, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Murlidhar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 25-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 457, 376 and 511 of the IPC and Section 8 of the POCSO Act, 2012.

The prosecution case is that the informant Poonam Kumari was sleeping on her roof when the petitioner came after crossing over and tried to disrobe the informant with a motive to ravish her.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and the height of the house of the petitioner and the informant is quite uneven, hence no body can walk over or jump from the roof of the petitioner or the informant. It is further submitted that there is no eye witness to the occurrence nor there is any medical report on record.



Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP after going through the case diary, submits that though the medical examination of the informant was not done but the accusation of disrobing the informant is against the petitioner.

Considering the fact that there is no medical report on record to corroborate the accusation or to suggest the actual age of the informant, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Ist Additional Sessions Judge, Saran at Chapra in connection with Sonepur P.S. Case No.581 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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