

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.51723 of 2019**

Arising Out of PS. Case No.-63 Year-2019 Thana- BELDOUR District- Khagaria

MANISH KUMAR, Male, aged 20 years, Son of Manoj Singh @ Manoj Kumar, Resident of Village - Telihar, P.S.- Beldaur, Distt – Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ranjan Kumar Singh, Advocate.  
For the Opposite Party : Mr.Mukeshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH  
ORAL ORDER**

2      20-08-2019                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner is languishing in custody since 02.05.2019 in a case for the offence registered under Sections 376/34 of the IPC and 3/4 of POCSO Act.

The prosecution story, in brief, is that on 30.04.2019 at about 6.00 P.M. in the evening, Manish Kumar (petitioner) and co-accused Vikash Kumar entered into the house of informant in absence of her parents and committed rape upon her one by one. At that time, she was alone in the house so she could not raise hulla. She has three sisters including herself and she has no brother. Due to that reason, they committed such



kind of offence. When parents of informant returned to the home from the field they saw the accused persons fleeing away. She narrated about the incident to her parents. Then her parents went to the house of the accused to make complaint then they were also abused and accused ran for assaulting her parents.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The aunt (Phua) of this petitioner had instituted a case earlier against the father of the informant for an offence under Section 376 of the I.P.C. in which charge sheet has been submitted. The present case has been instituted in retaliation to the said case. The medical examination report does not support the allegation made in the F.I.R.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the 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 the learned Additional



Sessions Judge-Ist-cum-Special Judge, POCSO, Khagaria, in  
POCSO 11/19 in connection with Beldaur P.S. Case No.  
63/2019.

**(Sudhir Singh, J)**

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