

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55593 of 2019**

Arising Out of PS. Case No.-105 Year-2018 Thana- RAGHOPUR District-
Supaul

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SANTOSH MUKHIYA S/O- Rajendra Mukhiya R/O Village- Gamhariya, P.S.-
Raghopur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arun, Advocate.

For the Opposite Party: Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 17.07.2019 in connection with POCSO 32 of 2018 arising out of Raghopur P.S. Case No. 105 of 2018 for the offences alleged under Sections 341, 323, 504, 506, 448, 354B, 379/34 of the Indian Penal Code but later on Section 8 of POCSO Act was added.

3. It is submitted that the petitioner has been falsely implicated and there is one day's delay in lodging the F.I.R. on 03.05.2018 for the alleged occurrence of 02.05.2018. It is submitted that the offence under POCSO Act has been added almost two months thereafter which raises considerable doubt about the veracity of the accusation. It is submitted that in any event there is no material to indicate that the victim has been medically examined for determination of her age. The petitioner has already suffered more than four months in custody and claims clean antecedents.

4. Learned APP appears and has been heard. It is



submitted that there is specific accusation against the petitioner of having misbehaved with the victim.

5. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge, Supaul, in connection with POCSO 32 of 2018 arising out of Raghapur P.S. Case No. 105 of 2018, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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