

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60127 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHILA P.S. District- Rohtas

MEGHU CHOUDHARY S/o Late Kesho Choudhary R/o village- Jalim Bigha
(Ilabad), P.S.- Rohtas, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

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

Petitioner, who is in custody, seeks bail in connection with POCSO Case No. 58 of 2019 arising out of Mahila P.S. Case No. 40 of 2019 registered for the offence punishable under Sections 376/511 of the Indian Penal Code and 8/12 of POCSO Act.

Informant in her written complaint has stated that daughter of his sister in law Chandani Kumari aged about 8 years used to reside with her. On 16.06.2019 she left her niece and there were no elder members in the house and when at about 4:00 PM she returned, the victim Chandani Kumari said that she was playing with Gudiya Kumari and Nanku Kumari when petitioner came and ousted both girls and sat on the cot and caught hold of her and disrobed her and tried to commit



sexual assault. She has further alleged that she found sign of sexual assault upon the victim and she was provided treatment also.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case on account of family dispute. The victim was examined by the medical board on next day i.e. 18.06.2019 and found no injury either on external or internal part of the body including her private part. Hymen was not found ruptured and no any local injury or laceration was seen. The medical board further opined that on clinical examination the girl was found to be virgin. Petitioner has no criminal antecedent and he is 60 years old and is in custody since 01.07.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, in connection with POCSO Case No. 58 of 2019 arising out of Mahila P.S. Case No. 40 of 2019 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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