

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56048 of 2019

Arising Out of PS. Case No.-321 Year-2018 Thana- AMARPUR District- Banka

Nitya Nand Thakur @ Nitu, aged about 20 yers, Gender (Male), S/o Anil Thakur R/o Village- Koindha, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-09-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Amarpur P.S. Case No. 321 of 2018 (G.R. No. 2082 of 2018) registered for the offences punishable under Sections 341, 323, 376 of the Indian Penal Code and Section 4 of POCSO Act.

Informant is the victim who in her written complaint has stated that on 20.06.2018 at about 8:00 P.M. when she was going to field to ease herself she saw Manish Sah and Nitya Nand Thakur coming on motorcycle and Nitya Nand Thakur (petitioner) came down from motorcycle and Manish Sah went away with his motorcycle and while she was moving towards field Nitya Nand Thakur (petitioner) caught her from



behind took her in a lonely hut of Sone Lal Das and committed rape upon her. F.I.R. was registered on the written complaint of the victim on 21.06.2018 at 1:00 P.M. The victim was subjected to medical examination on 21.06.2018 but from medical report it appears that no definite opinion could be formed as she was undergoing menstruation period. The age of the girl has been assessed to be 15 to 17 years, however, in her examination under Section 164 of Cr.P.C. before the court the victim has changed her version and has alleged commission of rape against both Nitya Nand Thakur as well as Manish Thakur.

Petitioner has earlier moved this Court for bail vide Cr. Misc. No. 2042 of 2019 which was rejected on 01.04.2019 with a liberty to renew his prayer for bail after completion of one year in custody. Petitioner is in custody since 21.06.2018. Petitioner has no criminal antecedent and is a college going student.

Considering the aforesaid facts and circumstances of the case and the observation made in order dated 01.04.2019 passed in Cr. Misc. No. 2042 of 2019, 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 A.D.J., 1st Banka, in connection with



Amarpur P.S. Case No. 321 of 2018 (G.R. No. 2082 of 2018)

with following conditions:

(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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and valid reason trial court shall have 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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