

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56716 of 2019

Arising Out of PS. Case No.-212 Year-2019 Thana- BUDDHACOLONY District- Patna

RAKESH KUMAR @ CHANDESHWAR MAHTO, age about 22 years, Male, Son of Krishna Sah @ Bhular Mahto, Resident of Village - Davariya, P.S.- Davariya, Dist.- Muzaffarpur, at present South Mandiri Kathpul, Near Durga Mandir, P.S.- Buddha Colony, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Anil Kumar, Advocate.

For the Opposite Party : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-09-2019 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 20.06.2019 in a case for the offence registered under Sections 376/511 of the IPC and 8/12 of POCSO Act.

The prosecution story, in brief, is that on 18.06.2019 at about 2.00 A.M. in the night, when the informant's daughter Neha Kumari, aged about 11 years, who is a student of Standard-IV in Girls Middle School, was sleeping on the roof in a rented house then a renter of the said house, namely, Rakesh Kumar, has put his leg and hand with a bad intention but the informant's daughter did not tell about this occurrence in the night to any one because of afraid. In the next morning, the



informant had gone out from the house to do work usually and when she returned to the house in the evening then the informant's daughter told to her about the occurrence in a clear cut manner, after that the informant told to her neighbours about this occurrence when Rakesh Kumar returned to the house at about 10.00 P.M. in the night after doing his work then the informant did enquiry from him but he did not give any satisfactory reply and said that he had committed mistake. Previously, he had also attempted to touch an another minor girl, namely, Rishika Kumari, of that Mohalla with a bad intention having given greedy to give a Mobile.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The informant and the petitioner are renters in the said house. Due to certain petty dispute, the present case has been instituted. The allegation made in the F.I.R. is denied by the petitioner.

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 A.D.J.-Ist-cum-Special Judge, POCSO, Patna, in connection with Buddha Colony P.S. Case No. 212 of 2019.

(Sudhir Singh, J)

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