

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63304 of 2019**

Arising Out of PS. Case No.-36 Year-2019 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

=====

SUMIT KUMAR @ MARUTI KUMAR Son of Bishundhari Mahto Resident
of Village- Manoharpur, Police Station- Birupur, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Pranav Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 26-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Birpur Police Station Case No. 36 of 2019, registered for the offence punishable under Sections 448/354 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

The allegation against the petitioner is that the petitioner entered into the hut of the daughter of the informant, aged about 12 years, and tried to outrage her modesty.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case inasmuch as both the parties are agnates and there is previous land dispute between them. He further submits that the



statement of the victim girl has also been recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has not stated specifically about any incriminating act of the petitioner. The demeanor of the victim girl has also been recorded by the learned Magistrate, in which the learned Magistrate has observed that the victim girl is changing her statement frequently.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates, there is previous land dispute between the parties and the petitioner is in judicial custody since 04.07.2019, I am inclined to enlarge the petitioner on bail.

This application is, accordingly, allowed.

Let the petitioner, Sumit Kumar @ Maruti Kumar, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, POCSO, Lakhisarai, in connection with Birpur Police Station Case No. 36 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

