

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.91 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- MAHILA P.S. District- Lakhisarai

Lalu Kumar son of Govind Yadav, resident of village- Nawadah, P.S. Halsi,
District- Lakhisarai.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amrendra Kumar

For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

6 22-02-2019

Heard learned counsel for the parties.

Appellant seeks bail in Lakhisarai (Mahila) P.S.Case
No.17/18 / POCSO Case No.31 of 2018 registered for the
offences under Sections 323, 341, 376 (D), 448, 506 of the
I.P.C., Section 6 of POCSO Act and Section 3(i)(r),(i), (ii)(VA)
of SC./S.T. Act.

Allegation against the appellant along with one co-
accused is of committing rape upon the informant as well as
threatening to kill her parents.

Learned counsel for the appellant submits that the age
of the victim girl has been assessed by the doctor as 18-19 years
old and hence, Section 6 of POCSO Act is not attracted in this
case. He further submits that no sign of violence was found by
the doctor and the occurrence took place in the house of the



victim girl and when mother and brother of victim saw them in compromising position accusation of rape has been made she has also admitted of earlier physical relation. The appellant has got no criminal antecedent.

Looking to the facts and circumstances of the case, let the appellant, above named, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of A.D.J.-1st -cum-Special Judge, Lakhisarai, in Lakhisarai Mahila P.S. Case No.17 of 2018 , POCSO Case No.31 of 2018 subject to the conditions that:-

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

(2) appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court 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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