

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69725 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Santosh Kumar S/o Jagnarayan Ram, resident of Village Suhiya, P.S. Sahpur,
District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha
For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 01-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 28.8.2018 in a case registered for the offences punishable under Sections 376(2)(i) of the I.P.C. and Section 6 of POCSO Act.

The prosecution case as per the written report of Puja Kumari dated 13.6.2018 submitted to the SHO, Ara Mahila Police Station is to the effect that on 12.6.2018 at 8.00 A.M., the informant went to attend coaching at Bihia by train. While returning, she met with the petitioner who happens to be a relative to the family and used to visit the house of the informant, stopped her and enticed her and at the lonely place the petitioner ravished her.

It is submitted by learned counsel for the petitioner that for the occurrence of 12.6.2018 at 8.00 A.M. the FIR was registered



on 13.6.2018 at 3.00 P.M. It is further submitted that though the victim claims her age in the FIR as about 14 years but medical report suggests her age between 17 to 19 years and there is no sign of rape nor any internal or external injury has been found. Moreover, the informant has retracted from the initial version.

Learned APP submits that there is specific accusation against the petitioner. However, he admits that the victim was found aged between 17 to 19 years and the medical report does not suggest the commission of rape upon the victim.

Considering the fact that the accusation not being corroborated by the medical opinion, the investigation has already been concluded and the period under custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ I, Ara, Bhojpur in connection with Ara Mahila P.S. Case No. 88 of 2018.

(Dinesh Kumar Singh, J)

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