

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79381 of 2018

Arising Out of PS. Case No.-295 Year-2018 Thana- CIVIL LINE District- Gaya

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Monu, Son of Sri Anil Kumar @ Anil Prasad, Resident of - Nadraganj, P.S. -
Civil Lines, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Sri Uday Pratap Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 30-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Civil Lines P.S. Case No. 295 of 2018
registered for the offences punishable under Sections 376(3),
366(A) the Indian Penal Code and Section 4 of POCSO Act.

Informant who is father of the victim girl has
alleged that on 06.08.2018 while her daughter was going to
school petitioner kidnapped and committed rape on her
daughter.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case. Medical Board has assessed age
of victim above 17 years. No sign of sexual assault or recent
sexual intercourse was found. No sign of external or internal
injury was found. Victim was not recovered from custody of



petitioner. Petitioner has no criminal antecedent and is in custody since 08.08.2018.

Considering the nature of allegation against petitioner, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected at this stage.

However, **after framing of charge**, the petitioner shall be enlarged on bail by the court below on 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 -cum Special Judge (POCSO Act), Gaya, in connection with Civil Lines P.S. Case No. 295 of 2018 (POCSO Case No. 84 of 2018), subject to 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 properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.
- (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.

Accordingly, this Criminal Miscellaneous is here by disposed of.

(S. Kumar, J)

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