

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1372 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- ALAMNAGAR District- Madhepura

Lalo Kumar @ Amit Kumar, son of Sikendra Mandal @ Chainu Mandal,
resident of village Pachmira Tola, P.S. Alamnagar (Ratwara), District
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 07-09-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State, through
video conferencing.

The petitioner seeks regular bail in connection with
POCSO Case No. 06 of 2019, arising out of Alamnagar
(Ratwara) Police Station Case No. 18 of 2019, registered for the
offence punishable under Section 376 of the Indian Penal Code
and Section 4 of the Protection of Children from Sexual
Offences Act, 2012.

The allegation against the petitioner, as per the First
Information Report lodged by the victim girl, is that while she
was going to visit a village fair in the night, she was intercepted
by two boys on the way, including the petitioner, who caught
her from behind and took her in a maize field, where both the



accused persons committed rape upon her.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village politics and at the behest of co-accused Deepak Kumar. He further submits that there was love affairs between Deepak Kumar and the victim girl and in order to take revenge from the petitioner at the behest of said Deepak Kumar, the petitioner has falsely been implicated in this case with oblique motive. He further submits that in the First Information Report, there is specific statement of the victim girl that both the accused persons, i.e. the petitioner along with Deepak Kumar have committed rape upon her one by one and the said First Information Report was lodged on 25.01.2019. He further submits that re-statement of the victim girl was also recorded on the same day, i.e. on 25.01.2019, in which the victim girl has reiterated the same version of the First Information Report, but in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, on 29.01.2019, the victim girl has retracted from the statement made in the First Information Report and the re-statement before the police and has made allegation against the petitioner only, stating that the petitioner committed rape upon the victim girl and co-accused Deepak



Kumar was sitting at some distance.

After having heard learned Counsel for the parties and taking into consideration the fact that the victim girl, within four days of lodging of the First Information Report, has retracted from her statement made in the First Information Report and the re-statement before the police and the petitioner is in custody since 28.01.2019, I am inclined to grant regular bail to the petitioner.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, Madhepura, in connection with POCSO Case No. 06 of 2019, arising out of Alamnagar (Ratwara) Police Station Case No. 18 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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