

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3771 of 2020

Arising Out of PS. Case No.-24 Year-2019 Thana- MAHILA PS District- Gaya

SANTOSH KUMAR S/o Sudarshan Paswan R/o village- Mishrichak, P.S.-
Gurua, District- Gaya Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-01-2020 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 376(AB) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

Informant has alleged that 4-5 months ago, petitioner committed rape upon her and threatened not to disclose it to anyone. It has further been alleged that subsequently she became pregnant and it became known to all.

In her statement recorded under Section 164 Cr.P.C., she has supported her statement made in FIR. The victim was medically examined and the medical board has assessed the age of victim to be 19 years. Physical relation is consensual. Petitioner has no criminal antecedent and he is in custody since 09.09.2019.

Considering the aforesaid facts and circumstances of



the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila P.S. Case No.24/2019, with following 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 the Court and his absence on two consecutive dates without sufficient reason, 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.

(S. Kumar, J)

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