

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9258 of 2020

Arising Out of PS. Case No.-271 Year-2019 Thana- BIKRAM District- Patna

1. SUNIL MOCHI @ SUNIL KUMAR S/o Bhola Mochi R/o village-
Datiyana, P.S.- Bikram, District- Patna
2. Alok Mochi @ Alok Kumar S/o Shishi Mochi R/o village- Datiyana, P.S.-
Bikram, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 01-06-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Bikram P.S. Case No. 271 of 2019, disclosing offences punishable under Sections 376/511 of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner has referred to his First Information Report and has submitted that the informant claiming to be minor had earlier alleged that the persons named in the F.I.R. had attempted to commit rape on her. Four days after lodging of the F.I.R., in her further statement before the police she materially changed the allegation and asserted that the named accused persons had committed rape on her. He has further argued that in similar



circumstance other accused persons have been allowed regular bail by this Court. He has drawn my attention to an order passed by a Coordinate Bench of this Court dated 20.01.2020 passed in Cr. Misc. No. 1367 of 2020, whereby the Lohari Ajit Kumar and Sujeet Kumar have been allowed regular bail. The petitioner is in custody since 03.08.2019.

I have perused the case diary which contains the report of the medical expert. According to the report no mark of violence has been found on the private part of informant.

Considering the above noted facts and the submissions made on behalf of the petitioner that similarly circumstanced co-accused persons have been allowed regular bail by this Court, this application is allowed.

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 Additional Sessions Judge-1 cum Special Judge (POCSO) Patna in connection with Bikram P.S. Case No. 271 of 2019.

(Chakradhari Sharan Singh, J)

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