

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13202 of 2020

Arising Out of PS. Case No.-128 Year-2019 Thana- KARAHGAR District- Rohtas

Munna Kahar @ Tetar Kahar @ Tetar, Son of Paltan Kahar Resident of
Village-Barna Dihri, Police Station-Rajpur, District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 02-09-2020

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with
POCSO Case No. 46 of 2019, arising out of Kargahar (Barhari
O.P) P.S. Case No. 128 of 2019, registered under Sections 376
and 506 of the Indian Penal Code and Section 4 of the
Protection of Children from Sexual Offences Act, 2012.

The accusation is that informant Dharmshila
Devi, her sister in law Kaushalya Kumari and her son were
sleeping at the roof, on separate beds. In the night, Munna
Kahar @ Tetar Kahar (Petitioner), brother-in-law of her
villagers, namely, Gauri Shankar Kahar climbed on the roof
and slept at the bed of her sister-in-law Kaushalya Kumari.
When Kaushalya Kumari tried to raise alarm then her mouth



was pressed through pillow and on the point of knife, Munna Kahar (Petitioner), forcibly, committed rape. In the meantime, her son awoke then saw Munna Kahar (Petitioner) was lying on the bed of her sister-in-law Kaushalya Kumari. On raising alarm, Munna Kahar (Petitioner) jumped from the roof. Thereafter, her sister-in-law Kaushalya Kumari narrated the incident.

Learned counsel appearing for the petitioner submits that, admittedly, the petitioner is the brother-in-law of Gauri Shankar Kahar, co-villager of the informant, and petitioner used to reside there for agricultural purpose because Gauri Shankar Kahar is handicapped. Further submission is that petitioner has been implicated in this case due to land dispute. Further submission is that in statement of victim Kaushalya Kumari, recorded under Section 164 of the Cr.P.C., as detailed in para 41 of the case diary, while she supported the allegation of lying a person on her, but she did not stated about committing rape. Moreso, she further stated that the name of the petitioner was disclosed by the informant. Further submission is that in medical examination, no any sign of rape was found, while victim was examined on the next day of the occurrence and her age was assessed about 19 years. The



petitioner has no criminal antecedent and he is in custody since 10.05.2019.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Rohtas at Sasaram in connection with POCSO Case No. 46 of 2019, arising out of Kargahar (Barhari O.P) P.S. Case No.128 of 2019.

(Rajendra Kumar Mishra, J)

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