

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16678 of 2020

Arising Out of PS. Case No.-265 Year-2018 Thana- RIGA District- Sitamarhi

RAKESH SAH @ RAKESH KUMAR S/o Ramotar Sah Resident of Village-
Panapur, Rewasi, Ward No.15, P.S.-Riga, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2020 This case has been heard through video-conferencing.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
366 A, 376 & 120B/34 of the Indian Penal Code and Sections
4, 6, 8, & 11 of the POCSO Act.

The allegation is regarding the co-accused, namely,
Sonu Kumar having taken away the minor daughter of the
informant, namely, Rekha Kumari, on his motorcycle and kept
her in a dark room at village Ijarahia where the victim girl was
raped and then the said Sonu Kumar had taken the victim girl to
Delhi where he along with other co-accused also raped her.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
He has been falsely implicated in this case. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. As a matter of fact, the victim is major and was earlier married with Rajesh Mahto but she fled away from her Sasural and residing at her parental home and later on she was divorced by her husband. The Medical Board has assessed the age of the victim as 20 to 21 years. He has no criminal antecedent. Similarly situated co-accused, namely, Sonu Kumar and Rajesh Mahto have been enlarged on bail by co-ordinate bench of this court vide order dated 20.02.2020 and 07.07.2020 passed in Cr. Misc. No.86064 of 2019 and Cr. Misc. No. 14686 of 2020 respectively.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Sitamarhi in connection with Riga P.S. Case No. 265 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anjani Kumar Sharan, J)

