

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18993 of 2020**

Arising Out of PS. Case No.-372 Year-2019 Thana- PAHARPUR District- East Champaran

Manager Kumar, S/o Ashok Das, Resident of Village- Noneya Kachahari
Tola, P.S.- Paharpur, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 10-06-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Paharpur P.S. Case No.372 of 2019 instituted for the offence punishable under Sections 376, 323, 504, 506 of the Indian Penal Code and Sections 6 and 8 of the POCSO Act.

The informant has alleged that when she had gone to



attend the call of the nature, she was caught from behind and forcibly taken to the house of the petitioner where she has been subjected to rape. The informant has alleged her age to be 15 years.

It is submitted by the petitioner's Counsel that due to animosity between the parties, to settle scores, the petitioner has been implicated in this case. He submits that the same would be evident from the fact that the allegations are in respect of the occurrence alleged on 13.10.2019. The complaint petition, bearing Complaint Case No.97 of 2019, however, has been filed on 26.10.2019, which under Section 156(3) Cr.P.C. has been registered as Paharpur P.S. Case No.372 of 2019.

The further submission is that the medical examination of the informant/victim was done, wherein her age has been determined as 17-18 years. No sign of rape has been found in the medical examination, the report of which is annexed as Annexure 3 to the petition. The false implication of the petitioner would further be evident from the fact that the parties have filed a compromise petition in the court below on 14.02.2020. Under the circumstances, the petitioner having no criminal antecedents is in custody since 10.02.2020.

Learned APP for the State has opposed the prayer for



bail. It is submitted that the allegations are in respect of a minor.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, 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 1st Additional Sessions Judge Cum Special Judge, POCSO Act, East Champaran, Motihari, in connection with Paharpur P.S. Case No.372 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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