

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19016 of 2020

Arising Out of PS. Case No.-730 Year-2015 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Sanjay Mistri Son of Indradeo Vishwakarma Resident of Village - Chak
Dhodha, P.S.- Makdumpur, Dist.- Jehanabad at Present residing at Khijarsarai
Dhara More Ronia Road, P.S.- Khizarsarai, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rima Kumari @ Anupam Kumari W/o Dukhan Mistri Resident of Village -
Chakdhodha, P.S.- Makdumpur, Dist.- Jehanabad .

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-06-2020 Heard learned counsel for the parties through video
conferencing.

This relates to grant of bail in Spl. POCSO Case No.
10 of 2016, arising out of Complaint Case No. 730 of 2015, for
the offence under Sections 366(A), 323, 376, 504, 120(B) of the
Indian Penal Code and Section 4 of the POCSO Act.

As per complaint petition, there is allegation of taking
away the complainant, who is 16 year old girl, on the eve of
Durga Puja and thereafter, she was sold. There is also allegation
of committing rape with her (complainant).

It is submitted on behalf of petitioner that petitioner is
innocent and he has falsely been implicated in this case due to



property dispute, since petitioner is own cousin of the complainant. It is further submitted that complaint petition has been filed after laps of ten months of the alleged occurrence and there is no explanation for this. The petitioner has no criminal antecedent and he is in custody since 13-01-2020.

Considering the aforesaid facts and circumstances, the bail application is allowed.

Let the above-named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Jehanabad in connection with Complaint Case No. 730 of 2015 on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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