

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21161 of 2020

Arising Out of PS. Case No.-277 Year-2018 Thana- BAIKUNTHPUR District- Gopalganj

RAKESH KUMAR @ DILIP KUMAR, aged about 25 years, Male, Son of Subhnarayan Prasad, Resident of Village - Bakhri, P.S.- Baikunthpur, District – Gopalganj ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Sarvan Kumar, Adv.

For the Opposite Party : Mr. Murlidhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-06-2020 Mr. Sarvan Kumar, learned counsel appearing on behalf of the petitioner prays that the defects, as pointed out by Stamp Report, dated 23.06.2020, will be removed within two weeks just after starting the functioning of physical Court.

In view of the undertaking, the prayer of the learned counsel for the petitioner is allowed.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state through video conferencing.

The petitioner seeks bail in connection with Baikunthpur P.S. Case No. 277 of 2018, registered under Sections 341, 342, 323, 354B and 506/34 of the Indian Penal Code and 8 and 10 of the Protection of Children from Sexual Offences Act, 2012.

The accusation is that in the evening of 02.11.2018, the informant, aged about 16 years, had gone to attend the call of nature. At that time, she was forcibly taken by Rakesh Kumar (petitioner), Mahesh Kumar and Nitish Kumar giving



threatening to kill her and all tried to outrage her modesty and made attempt to commit rape, then, she made protest, on which all started to cause assault her, she fell down unconscious. After some time her family members came and she narrated the story to them.

Submission is that the petitioner is the co-villager of the informant and due to land dispute the informant managed to lodge the present case with false allegation. More so, the petitioner has no criminal antecedent and is in custody since 04.03.2020 and similarly situated co-accused, Nitish Kumar, has already been allowed the privilege of bail in Cr. Misc. No. 18859 of 2019 on 28.03.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Baikunthpur P.S. Case No. 277 of 2018 to the satisfaction of the Additional District & Sessions Judge, I, Gopalganj.

(Rajendra Kumar Mishra, J)

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