

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21160 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

RAHUL KUMAR, Son of Umesh Mahaseth @ Umesh Kumar, Resident of
Village - Kanta, P.S.- Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vipin Kumar ,Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 29-06-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within three weeks from the date of start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Muzaffarpur Mahila P.S. Case No.15 of 2020 registered for the offences punishable under Sections 341, 342, 506 and 376 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offence (POCSO) Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel submits that there is no allegation of rape against the petitioner and specific allegation of rape has been made against one Rohan Kumar. The petitioner has no criminal antecedent



and he is in custody since 08.04.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that so far as this petitioner is concerned, there is no allegation of rape against him, the allegation has been specifically made against Rohan Kumar and thereafter this petitioner has been falsely implicated in this case by saying that he had taken away his brother Rohan and threatened the victim, the submission that the father of the informant had unauthorizedly occupied the shop and the father of this petitioner was pressurizing him to vacate the same leading to filing of the false case implicating both the brothers, also considering that the petitioner has no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Muzaffarpur Mahila P.S. Case No.15 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission



of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

