

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23264 of 2020

Arising Out of PS. Case No.-360 Year-2020 Thana- ARA NAWADA District- Bhojpur

Pawan Mishra @ Bittu Mishra Son of Nageshwar Mishra Resident of Village-
Baidekori, P.S.-Charpokhari, District-Bhojpur ... Petitioner
Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kr. Thakur, Advocate and
Mr. Niles Kumar, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-11-2020 Heard learned counsel for the petitioner and the State
through Video Conferencing.

The petitioner seeks bail in a case registered for the offence punishable under section 376 of the Indian Penal Code as well as under section 6 of the POCSO Act.

Petitioner happens to be the son of house owner where the informant resides with his daughter. It is alleged that on 2.3.2020 at about 8.30 am the petitioner somehow entered into his house finding the victim to be alone and on the point of pistol committed sexual offence with her. Again on 5.3.2020 at about 9.30 am he repeated the same offence.

Learned counsel for the petitioner submits that the age of the victim has been assessed as 19 years in the medical examination and the doctor did not find any external or internal injury on her part. Further, no spermatozoa either alive or dead was detected during medical examination. Referring to section 164 Cr.P.C. statement of the victim, learned counsel submits that the victim has stated that she used to love the petitioner and on two times she has established physical relation with him. She



has further stated that she wants to live with him and does not want to live with her parents. In paragraph 3 of the bail petition, it is stated that the petitioner has got no criminal antecedent and he is in custody since 6.5.2020. Charge sheet has also been filed in the case.

In the facts of the case, prayer for bail of the petitioner is allowed. Let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, Bhojpur at Ara in Ara Nawada Police Station Case No. 360 of 2020 on the following conditions:-

(1) Petitioner shall co-operate 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/her absence on two consecutive dates without sufficient reason, his/her 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)

Shashi

U		T	
---	--	---	--

