

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25528 of 2020

Arising Out of PS. Case No.-198 Year-2019 Thana- KARAHGAR District- Rohtas

Manish Kumar, Son of Late Vijay Singh, Resident of Village - Tendua, P.S.-
Kargahar (Barahari), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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 POCSO Case No.112 of 2019 arising out of Kargahar (Barahari) P.S. Case No.198 of 2019 registered for the offence punishable under Sections 376, 323, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.



The allegation is that the informant's daughter has been taken away and subjected to rape by the petitioner and three other co-accused persons.

Petitioner's counsel submits that falsity of the allegation, based on extraneous considerations, is apparent from the fact that the F.I.R. has been lodged after a delay of five days from the alleged occurrence. The medical report has not corroborated any sign of rape or violence on the body of the victim. The allegation that all four brothers have committed rape is highly improbable. Co-accused Bittu Kumar has been allowed bail in Cr.Misc. No.82226 of 2019, vide order dated 27.05.2020. The petitioner is in custody since 14.01.2020. One case bearing Kargahar (Barahari) P.S. Case No.319 of 2018 is pending against the petitioner in which he is on anticipatory bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the 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 learned 1st Additional District & Sessions Judge,



Rohtas at Sasaram, in connection with POCSO Case No.112 of 2019 arising out of Kargahar (Barahari O.P.) P.S. Case No.198 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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