

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28950 of 2020**

Arising Out of PS. Case No.-4 Year-2020 Thana- MAHILA PS District- Aurangabad

Tutu Kumar @ Dhirendra Kumar, S/o Gupteshwar Ram, Resident of Village-
Ukurhami, P.S.-Obra, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Lakshmi Kant Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 21-12-2020 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
Daudnagar (Aurangabad) Mahila P.S. Case No.4 of 2020
registered for the offence punishable under Sections 376(3)
of the Indian Penal Code and Section 4 of the POCSO Act.



It is alleged that while the informant had gone to attend an engagement ceremony, her minor daughter has been raped by the petitioner after he forcibly took her to the field.

Petitioner's counsel submits that the occurrence is alleged to have taken place on 09.02.2020, however, the F.I.R. was lodged on 11.02.2020. Having no criminal antecedents, the petitioner has falsely been implicated in this case for extraneous considerations. The Doctor who has examined the victim has not found any bodily injury and the opinion of the Doctor does not corroborate the allegation of rape having been committed. Falsity is also evident from the fact that the F.I.R. has been lodged on 11.02.2020 in respect of such serious allegation which is alleged to have been committed on 09.02.2020. It is further surprising that the allegation is that the rape was committed in the field, whereas nobody has supported the allegation. The petitioner is now in custody since 12.03.2020.

Learned APP for the State has opposed the prayer for bail by submitting that the allegation is of committing rape upon a minor.

Upon hearing the learned counsel for the parties,



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 the learned 1st Additional District & Sessions Judge Cum Spl. Judge (POCSO), Aurangabad, in connection with Daudnagar (Aurangabad) Mahila P.S. Case No.4 of 2020, 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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