

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31622 of 2020

Arising Out of PS. Case No.-377 Year-2019 Thana- GAYA MUFASIL District- Gaya

RAHUL KUMAR Son of Pramod Singh Resident of Village - Malathiya, P.S.
- Wazirganj, District - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gajendra Kumar Singh
	:	Mr.Manish Kumar No. 2
For the Opposite Party/s	:	Mr.Prem Kumar Jha (APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-12-2020 Heard learned counsel for the parties.

This application for grant of regular bail in connection with POCSO Case No. 81 of 2019 arises out of Mufassil P.S. Case No. 377 of 2019 registered for the offence punishable under Section 376 D of the Indian Penal Code and Section 4/6 of the POCSO Act.

The victim herself is the informant. In the F.I.R., she has disclosed that she had befriended the petitioner and in the background of some altercation with her mother, she had left the house and gone with the petitioner in a hotel. There is no allegation in the F.I.R. against the petitioner of any sexual assault. Her statement was subsequently recorded under Section 164 of the Cr.P.C., a copy of which has been brought on record



by way of Annexure 2 of this application. On perusal of the statement made by the victim recorded under Section 164 of the Cr.P.C., it transpires that she has made several allegations against so many persons of sexual assault including the petitioner. The case of the prosecution, as disclosed in the F.I.R. is materially different from what has been alleged in the statement recorded under Section 164 of the Cr.P.C. On careful reading of the statement of the victim recorded under Section 164 of the Cr.P.C., I am of the view that it does not inspire much confidence.

Considering the facts and circumstances, as noted above, this application is allowed.

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 Court of ADJ-I-cum-Special Judge, POCSO, Gaya in connection with POCSO Case No. 81 of 2019 arising out of Mufassil P.S. Case No. 377 of 2019.

(Chakradhari Sharan Singh, J)

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