

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30253 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- PARSAUNI District- Sitamarhi

NITISH KUMAR S/o Ashok Kumar Singh @ Ashok Mahto R/o Vill.-
Madanpur, Tola Koiriyahi, P.S.-Parsauni, Distt.-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Trial No. 9 /20 arising out of Parsauni P.S. Case No. 84/19, registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 /6 of the POCSO Act.



The allegation is regarding the petitioner having taken away the daughter of the informant and having forcibly committed rape with her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.10.2019. It is further submitted that six prosecution witnesses have been examined in the ongoing trial and none of them have supported the prosecution story. It is also submitted that even the victim girl, in her deposition before the learned trial court as P.W.-6, has denied the occurrence and has turned hostile.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the deposition of the prosecution witnesses in the ongoing trial, I deem it fit and proper to direct for release of the petitioner on regular bail.



Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.D.J. cum Special Judge, (POSCO Act), Sitamarhi in connection with Trial No. 9/20 arising out of Parsauni P.S. Case No. 84/19.

(Mohit Kumar Shah, J)

Ajay/-

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

