

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66639 of 2019

Arising Out of PS. Case No.-31 Year-2019 Thana- MAHILA P.S. District- Araria

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MITHU KUMAR Son of Surendra Biswas Resident of Village- Chakai, Ward
No. 01, P.S.- Jokihat, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Sections 341, 323, 376(D) of othe Indian Penal
Code and 4 of POCSO Act.

The prosecution allegation in short is that the accused
persons caught hold of the daughter of the informant and
committed rape on her.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 11.4.2019 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Charge-sheet has been
submitted in the present case. The petitioner has falsely been
implicated in the present case. As per medical examination



report of the victim, the age of the victim is said to be 18-19 years. In the opinion of the doctor, there is no sign of fresh sexual assault detected. The medical examination report does not support the allegations made in the F.I.R..

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R..

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -cum- Special Judge, Araria in connection with Spl. (POCSO) Case No. 18/19 arising out of Mahila P.S. Case No. 31/19.

(Sudhir Singh, J)

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