

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70101 of 2019

Arising Out of PS. Case No.-12 Year-2018 Thana- MAHILA PS District- Gaya

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Akhilesh Bhuiyan Son of Rampati Bhuyan Resident of Village - Piparwar,
Maigara, P.S.- Maigra, Distt - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rashid Izhar

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-06-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is languishing in custody since 03.06.2018 in a case registered for the offences punishable under Sections 341, 342, 448, 376, 504 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Kamla Devi submitted to the Station House Officer, Maigra



P.S. which was forwarded to Gaya Mahila P.S., is to the effect that on 20.05.2018 at 11.00 P.M., the daughter of the informant, Soni Kumari, aged about 16 years, was sleeping in the house, in the meantime, the petitioner entered into the house and ravished her and when the parents of the victim came after attending the marriage they saw that the offence was committed by the petitioner and thereafter, the petitioner fled away.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 20.05.2018, the written report was submitted on 02.06.2018. The victim was medically examined on 09.06.2018 when no sign of rape was found and the doctor assessed the age of the victim between 16-17 years. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the victim is the agnate of the petitioner and due to some dispute, the accusation has been levelled.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the delayed lodging of the case, accusation being not corroborated by medical opinion and the



fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District & Sessions Judge-Ist -cum- Special Judge (POCSO Act), Gaya in connection with Gaya Mahila P.S. Case No. 12 of 2018/POCSO Case No. 50 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-Ist -cum- Special Judge (POCSO Act), Gaya in connection with Gaya Mahila P.S. Case No. 12 of 2018/POCSO Case No. 50 of 2018.



The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

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