

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71221 of 2019**

Arising Out of PS. Case No.-104 Year-2019 Thana- GOVINDPUR District- Nawada

MANTU KUMAR Son of Sanjay Sharma Resident of Village - Rampur, P.S.-
Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Nayan

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 19-03-2020 Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since 05.08.2019 in a case registered for the offences punishable under Section 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the written report of Geeta Kumari, dated 01.07.2019 submitted to the Station House Officer, Govindpur Police Station, is to the effect that on 29.06.2019 at about 7.30 P.M., the daughter of the informant, Rishu Kumari, aged about 9 years went to ease out, in the



meantime, the petitioner threw a soap in nearby agricultural field and asked the daughter of the informant to bring the same and forcibly ravished her.

It is submitted by learned counsel for the petitioner that in fact, the victim is aged about 11 years and the medical report does not suggest any overt act. It is further submitted that for the alleged occurrence of 29.06.2019, the FIR has been registered on 01.07.2019. Medical opinion does not suggest any sign of rape except redness in the private part of the victim girl. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, after going through the case diary, submits that the accusation has been supported by the victim in her statements recorded under Section 161 and 164 of the Cr. P.C. and the doctor has found redness in the private part of the victim.

Considering the nature of accusation, delayed lodging of the FIR, period under custody and the investigation being already concluded, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned 1st Additional Sessions Judge cum
Special Judge, Nawada in connection with POCSO Case No. 33
of 2019, arising out of Govindpur P.S. Case No. 104 of 2019.

(Dinesh Kumar Singh, J)

Amrendra/-

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