

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13155 of 2021**

Arising Out of PS. Case No.-43 Year-2020 Thana- SINGHWARA District- Darbhanga

RAJAN KUMAR Son of Ashok Mahto Resident of Village - Singhwara
Uttari, P.S.- Singhwara, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kedar Jha, Sr. Adv
For the Opposite Party/s	:	Mr. Abhishek Raj, APP
For the Informant	:	Mr. Maya Shankar Mishra

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

6 31-08-2021 In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and learned counsel for informant who has appeared along with learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with POCSO G.R. Case No. 12 of 2020 arising out of Singhwara P.S. Case No. 43



of 2020 registered under Sections 376 and 34 of the Indian Penal Code and Sections 4 and 17 of the POCSO Act.

Petitioner has allegedly committed rape upon the informant on the allurements of solemnizing marriage and later resiled from the commitment.

Learned senior counsel for the petitioner submits that the prosecution case is false, the same is based on some disputes regarding construction of a house on some land. The allegation of rape is belied by the medical examination of the victim which has been considered in the case diary. The informant herself has lodged a petition in the Court concerned stating that under wrong impression the case was lodged and that she has compromised the matter outside the Court.

It is submitted by the informant's counsel that he is under instructions that the informants are not willing to pursue the prosecution in the Court. Having no criminal antecedents, the petitioner is stated to be in custody since 19.11.2020 and it is submitted that the alleged victim is not a minor.

Learned APP has opposed the prayer for bail.

Having regard to aforesaid submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced



by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let 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 Special Judge (POCSO Act) Darbhanga, in POCSO G.R. Case No. 12 of 2020 arising out of Singhwara P.S. Case No. 43 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SUMIT/-

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

