

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15718 of 2021**

Arising Out of PS. Case No.-198 Year-2019 Thana- KARAHGAR District- Rohtas

NITISH KUMAR Son of Late Vijay singh Resident of village - Tendua, P.S. -
Kargahar (Barahari O.P.), District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Babu Nandan Prasad, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 23-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with POCSO Case no. 112 of 2019 (arising out of Karahgar (Barhari O.P.) P.S. Case no. 198 of 2019) registered under section 376 and other sections of the Indian Penal Code and section 4 of the POCSO Act.

As per allegation in the FIR, the three accused persons including the petitioner herein who are full brothers are stated to have committed rape on the daughter of the informant.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. There is no reasonable explanation for the delay of five days in lodging of the FIR. The petitioner is in custody since 27.11.2020



and his case stands on a similar footing to that of co-accused Bittu Kumar and Manish Kumar who have been enlarged on bail vide order contained in Annexure-3 series to this petition.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioner having remained in custody for nearly eight months and grant of bail to the other co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with POCSO Case no. 112 of 2019 (arising out of Karahgar (Barhari O.P) P.S. Case no. 198 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Exclusive Special Court, POCSO, Rohtas at Sasaram.

(Partha Sarthy, J)

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