

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12015 of 2020

Arising Out of PS. Case No.-299 Year-2019 Thana- PATLIPUTRA District- Patna

Sonu Kumar Halwai S/O Dinesh Prasad Halwai R/O- Vill - Sikendra Bazar,
P.S. - Sikendra, Dist.- Jamui, at Present - Tenent of Nand Kishor Prasad
Mohalla - Gosai Tola, P.S. - Patliputra Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Adv.
For the State : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 10-03-2021 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 341, 342, 376 of the IPC, 4 POCSO Act and 3(2)(v) 3(i)(r)(w) of SC/ST Act.

Allegation is that in the night of 21.07.2019 at 11 O'clock petitioner took away minor daughter of informant in his room and committed wrong act with her and upon her crying people woke up and opened the door then her daughter came out. Petitioner is renter in the house.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. Statement of victim girl was recorded under Section 161 of Cr.P.C. as well as



164 of Cr.P.C in which she has supported the version of FIR and also stated that petitioner committed rape on her. Victim has been medically examined according to which she is between 14 to 16 years, however the report says that there is no sign of any sexual assault. No external injury or injury on private part was found. In her 164 Cr.P.C statement she stated that wife of petitioner also came from next room and drove her out. Petitioner has no criminal antecedent and is in custody since 22.07.2019. Charge has already been framed.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Special Case No.131 of 2019 arising out of Patliputra P.S. Case no.299 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Prakash Narayan /-

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