

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27327 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- GANGABRIDGE District- Vaishali

PRAKASH KUMAR @ PRABHUNATH KUMAR Son of Nagendra Mahto
Resident of Village - Karanpura, P.S.- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 03-12-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

Petitioner seeks bail in connection Ganga Bridge P.S. Case no. 25 of 2021 registered for the offence punishable under section 376 of the Indian Penal Code read with section 4 of the POCSO Act.

Learned counsel for the petitioner submits that petitioner is in custody since 04.02.2021 and is person with clean antecedent and charge sheet has been submitted. Learned counsel for the petitioner submits that from perusal of the



allegation as alleged in the FIR, it would manifest that the informant alleges that on 3.2.2021 at about 4 p.m., in the evening he searched his daughter victim aged about 14 years but did not find in her house. He along with his wife and his mother also searched nearby place and thereafter it is alleged that he saw the petitioner committing sexual intercourse with victim by making victim naked and the petitioner himself was also naked in banana plantation and accordingly, it is alleged that accused was caught red handed on the spot. Learned counsel submits that victim girl who was neither examined medically nor her cloth was sent for examination for ascertaining sign of rape as it was alleged by the informant that petitioner and victim were caught in naked condition and the petitioner committed rape. Learned counsel submits that during course of investigation, statement of the victim was recorded under section 164 Cr.P.C wherein victim has disclosed her age as 15 years and further has stated that no one had committed any wrong with her, that she used to talk with Prakash Kumar (petitioner) on mobile, mobile belonged to someone else. Earlier her mother had caught victim talking and thereafter again she was caught talking to someone else, further that she wanted to marry Prakash Kumar, further that no one had committed rape.



Learned APP opposes the prayer for bail and submits that there is allegation of rape on minor by the petitioner in FIR.

Considering the facts that victim was not examined medically and in her statement under section 164 Cr.P.C she has clearly stated that no rape was committed and she used to talk with the petitioner on mobile and was caught earlier by the parents also, as such petitioner is directed to 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 the Executive Special Court(POCSO)-cum- Children Court-cum- ADJ VI, Vaishali at Hajipur in Ganga Bridge P.S. Case no. 25 of 2021.

(Satyavrat Verma, J)

s.hassan/-

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