

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36628 of 2021**

Arising Out of PS. Case No.-89 Year-2016 Thana- SANJHOLI District- Rohtas

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MITHILESH KUMAR S/o Visun Dev Pasavan R/o Village/Mohallah,-  
Rupaich, P.S.- Mehnadiya, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mrs. Aprajita

For the Opposite Party/s : Mr. Manoj Kumar

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

5      09-12-2021                      Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 363, 365, 376, 34 of the Indian Penal Code and u/s 4/6 of POCSO Act.

As per the prosecution case, minor daughter of informant was kidnapped. On recovery, the victim in her statement u/s 164 of the Cr. P. C. stated that she was in captivity of Santosh Sah. She further stated that Santosh Sah called a boy who committed rape against her.

Learned counsel appearing for the petitioner submits that petitioner is not named in the FIR. The name of petitioner has come in this case during the course of investigation. Only material that has come against this petitioner during the course of investigation is that victim was raped in the quarter which



was allotted in the name of this petitioner but till date the petitioner has not been put on Test Identification Parade although victim claims to identify the perpetrator, if shown to her. None of the witness during the course of investigation disclosed the identity or named this petitioner and only on the assumption of I.O. petitioner has been made accused in this case. Petitioner claims clean antecedent and is in custody since 21.12.2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VII, Rohtas at Sasaram in connection with Sanjhauli PS case No.89/2016.

**(Prabhat Kumar Singh, J)**

BKS/-

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