

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33809 of 2020**

Arising Out of PS. Case No.-169 Year-2019 Thana- FATEHPUR District- Gaya

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UMESH PRASAD Son of DWARIKA PRASAD @ Dwarika Sao Resident of
Village - Kathadih, P.S.- Fatehpur and Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 24-02-2021 As prayed for, let the learned counsel appearing for

the petitioner remove the defect(s), as pointed out by the office

vide its notes dated 09.12.2020, within four weeks of starting of

Court proceeding in physical mode.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with

POCSO Case No. 75 of 2019, arising out of Fatehpur P.S.

Case No. 169 of 2019, registered under Sections 376(A)(B) of

the Indian Penal Code and Section 6 of the Prevention of

Children from Sexual Offences Act, 2012.

The accusation is that on 07.04.2019, parents of

informant, aged about 13 years, had gone to Mumbai for

treatment of her younger brother and returned on 09.07.2019,



while the informant was alone in her house, in the day, her villager Umesh Prasad (Petitioner) entered in the house and made attempt to commit rape and bite her also and, thereafter, committed rape and he also gave threatening for dire consequences in case of disclosing the incident to anyone.

Learned counsel appearing for the petitioner submits that, in fact, the petitioner is running a shop of building materials in the village from where the parents of informant had taken some building materials and after taking the same, they handed over some money and assured to give remaining amount of Rs. 1.50 lakh after returning from Mumbai, but, when the petitioner made demand of money to the parents of informant after returning from Mumbai then he managed to lodge the present case. Further submission is that in course of investigation, in paragraph 134 and 141, Umesh Manjhi and Rajendra Manjhi, who are Sarpanch and Mukhiya have also stated the said facts. Moreover, this case has been lodged after three months of the alleged occurrence. Further submission is that the petitioner has no criminal antecedent and he is in custody since 03.07.2020.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released



on bail 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 District and Sessions Judge-I-cum-Special Judge (POCSO Act), Gaya in connection with POCSO Case No. 75 of 2019, arising out of Fatehpur P.S. Case No. 169 of 2019.

(Rajendra Kumar Mishra, J)

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