

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33813 of 2020

Arising Out of PS. Case No.-58 Year-2020 Thana- BHELDI District- Saran

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Ajay Prasad @ Ajay Kumar Prasad son of Surendra Mahto Resident of
Village- Fatehpur, P.s.- Manjhi, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner is apprehending his arrest in a case registered under Sections 376(D), 34 of the Indian Penal Code and 4, 6 and 8 of POCSO Act.

Prosecution allegation, in short, is that the accused persons committed rape on the victim.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The date of occurrence is said to be 5.3.2020 for which F.I.R. was instituted on 17.3.2020. The delay has not been explained by the prosecution. The medical examination report of



the victim shows that the victim is aged about 19 years. Hence, POCSO Act is not applicable in the present case. Further, from perusal of the medical examination report of the victim, it appears that there is no substantive evidence to show that physical or sexual assault was made upon victim.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise POCSO, 6th Saran, Chapra in connection with Bheldi P.S. Case No. 58/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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