

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50030 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- LADAIYATAR District- Munger

Darshan Kumar Son of Birendra Bind Resident of Village- Govindpur, P.S.-
Ladaiyatand, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-11-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Laraiyatand P.S. Case No. 25 of 2021 (POCSO Case No. 28 of 2021), registered for the offence under Sections 341, 323, 376, 511 of the Indian Penal Code and Section 8 of the POCSO Act.

As per F.I.R., the allegation against petitioner is that he attempted to commit rape with daughter of the informant, however; on alarm being raised by informant and his daughter (victim), the villagers reached there and this petitioner fled away.

It is submitted on behalf of petitioner that there is contradiction in the F.I.R. and the statement of the victim girl recorded under Section 164 Cr.P.C. Though, victim girl has supported the prosecution case in her statement recorded under



Section 161 Cr.P.C. before the police, but in her statement recorded under Section 164 Cr.P.C., she developed a different story and made allegation that this petitioner establish physical relation with her for the last two years on the pretext of marriage. Petitioner has got clean antecedent and he is in custody since 23.04.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the fact that there is contradiction in the statement of the victim girl recorded under Section 161 Cr.P.C. and 164 Cr.P.C., the bail petition of petitioner is allowed. Let the above named petitioner 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 learned A.D.J.-VI -cum- Exclusive Special Judge (POCSO Act), Munger in connection with Laraiyatand P.S. Case No. 25 of 2021, corresponding to POCSO Case No. 28 of 2021.

(Prabhat Kumar Singh, J.)

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