

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37338 of 2020

Arising Out of PS. Case No.-91 Year-2020 Thana- SHAHKUND District- Bhagalpur

RAHUL KUMAR S/o Malik Mandal @ Malik Das R/o Village- Rasidpur,
P.S.- Bath, District- Bhagalpur Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-02-2021 Heard the learned counsel for the petitioner and Sri
Dinesh Singh, the learned APP for the State.

The petitioner seeks regular bail in connection with Shakund PS case no. 91 of 2020 instituted for the offences punishable under Sections 354(B) of Indian Penal Code, 8 of POCSO Act and 37(C) of Bihar Prohibition and Excise Act.

The allegation is regarding the petitioner having tried to sexually assault the victim girl, however upon alarm being raised, her mother had arrived, whereafter the co-villagers had caught hold of the petitioner and handed him over to the police.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 13.05.2020. The learned counsel



for the petitioner, by referring to the statement made by the victim girl under Section 164 of Code of Criminal Procedure before the learned Magistrate, has submitted that it has been merely alleged by the victim girl that the petitioner had tried to press her mouth, hence a lenient view be taken by this Court.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also the statement of the victim girl made under Section 164 Cr.P.C., apart from considering the period of incarceration of the petitioner herein, I deem it fit and proper to enlarge the abovenamed petitioner on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge (POCSO)-cum-VIIIth Additional District and Sessions Judge, Bhagalpur in connection with Shahkund PS case no. 91 of 2020.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

