

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38133 of 2020**

Arising Out of PS. Case No.-205 Year-2020 Thana- CHAKIA District- East Champaran

Guddu Kumar S/O Dhanai Rai Resident of Village-Koyala Belwa, P.S.-  
Chakia, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma  
Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

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

4. 23-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Chakia P.S. Case No. 205 of 2020, registered for the offence under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution case, this petitioner alongwith one co-accused is alleged to have committed rape upon the victim, who is minor daughter of the informant. The aforesaid fact has also been supported by the victim, in her statement recorded under Section 164 Cr.P.C., and the Medical Board has assessed the age of victim between 14 to 15 years.

It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case due to village politics. It is further submitted that the victim was examined during course



of trial and she has not supported the prosecution case. The victim girl has not identified the petitioner and she has stated that this case has been filed due to village politics. The deposition of the victim has been annexed, as Annexure – 3 to the supplementary affidavit. Petitioner has no criminal antecedent and he is in custody since 16.06.2020. Chargesheet has already been submitted.

Considering the fact that victim, during course of trial, has not identified the petitioner and petitioner is in custody since 16.06.2020, having clean antecedent and chargesheet has been submitted, the bail application 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 1<sup>st</sup> Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran in connection with Chakia P.S. Case No. 205 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for  
cancellation of bail.”

**(Prabhat Kumar Singh, J.)**

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