

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39812 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- MAHILA PS District- East Champaran

TINKU KUMAR, Son of Jagdish Patel @ Jagdeesh Patel, Resident of Village- Nayka Tola, Tajiyapur, P.S.- Pipra, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Mithlesh Kr. Khare

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-02-2021 Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 376(D), 341, 323 of the Indian Penal Code and Sections 3, 4, 9, 10 of the POCSO Act.

The prosecution case in brief is that as per FIR, the informant went for natural call, thereafter her villager came and closed her mouth from back side and brought her in the sugarcane field and forcibly committed illegal work and co-



accused Pinku also committed illegal work with her and further alleged that Tinku cut her hand and further alleged the accused persons committed illegal work, when she was restraining committing alleged occurrence, accused persons had closed her mouth and tied leg, left there and further alleged that her mother came in the night after searching thereafter she released her mouth and her leg, thereafter narrated all story about the past occurrence committed by accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the victim has given statement recorded under Section 164 Cr.P.C. soon after the alleged occurrence i.e. 12.08.2020 alleging therein that while she went for natural call, some unknown persons came and committed rape. They fled away after alleged occurrence alleged accused persons saw to her and came and released her mouth which was closed and call for mother, she came and her mother falsely implicated to the FIR named accused persons wherever they have not committed alleged occurrence. The petitioner is languishing in jail custody since 10.08.2020 and has got no criminal antecedent.

Learned APP for the State opposes the prayer for bail



petition.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, POCSO Act, East Champaran, Motihari, in connection with Motihari Mahila P.S. Case No. 34 of 2020.

(Anjani Kumar Sharan, J)

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