

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5742 of 2021

Arising Out of PS. Case No.-260 Year-2017 Thana- SULTANGANJ District- Bhagalpur

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MITHUN KUMAR S/o Manoj Mandal Resident of Vill.- Nashopur, P.S.-
Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 16-04-2021 The defect (s) as pointed out by the Office be removed by the learned counsel for the petitioner within two months after High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected first vide Annexure 1 and second vide Annexure 4 with a direction to the trial court to conclude the trial within 9 months, as the petitioner remained in custody for more than one and a half years.



The allegation, as per FIR, is that when the daughter of the informant was grazing her goat, the petitioner forcibly lifted her and committed rape on her in a maize field.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that the doctor has opined that there is no evidence of recent sexual intercourse and age of the victim girl has been found to be between 14 to 16 yaers. Petitioner has no criminal antecedent and he is in custody since 15.12.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sultanganj P.S. Case No. 260 of 2017 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

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



(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

Sanjay/-

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