

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 5899 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SUPPI District- Sitamarhi

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RAJA KUMAR @ RAJ KUMAR SINGH S/O LATE CHHAKAURI SINGH
RESIDENT OF VILLAGE - Baharwa, P. S. - Suppi, District - Sitamarhi
(Bihar) .

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Shankar Kumar, Advocate

For the Opposite Party/s : Mr Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 23-06-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in Suppi Police Station (for
brevity, *PS*) Case No 80 of 2020 instituted for the offence
punishable under Sections 341, 323, 456, 354B, 504, 506/34 of
Indian Penal Code and Sections 8 and 10 of Protection of
Children from Sexual Offences (for brevity, *POCSO*) Act.

It has been alleged in the First Information Report (for
brevity, *FIR*) that one Sunil Kumar (co-accused) along with
Sujit Kumar, petitioner and Chhotan Kumar have entered the
house of the informant and threatened to rape her minor



daughter at knife point. The FIR further discloses that co-accused Sunil Kumar has physically abused and molested the informant's minor daughter and has also assaulted her.

Learned counsel for the petitioner submits that no overt act has been alleged against this petitioner. Co-accused Sunil Kumar has 5 criminal antecedents and is the person against whom allegation of molestation or assault has been made in the FIR. Having no criminal antecedent, the petitioner, on account of false implication, is in custody since 18.04.2020 only because he was on talking term with co-accused Sunil Kumar. Even the FIR does not disclose that any rape has been committed.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, VI -cum- Special Judge (POCSO) Act, Sitamarhi in connection with Suppi PS Case No 80 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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