

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10029 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- JOGAPATTI District- West Champaran

Nitesh Kumar Son of Mohan Lal Prasad @ Mohan Lal Mahto Resident of Village - Koeirpatti (Pakhanaha Bazar), P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Khalil Miyan Son of Madir Miyan Resident of Village - Mano-Pati, Purainia, P.S.- Yogapatti, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwari, APP
For the opposite party no.2 : Mr. Anand Verdhan, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 09-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under section 376 of the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, the petitioner was caught committing rape on the minor daughter of the informant.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. It is a case of love affair between the petitioner and the daughter of the informant which was not liked to by the informant and his family members. It is submitted that the age



of the daughter of the informant has been estimated to be between 17-18 years as on 9.7.2020 and that she is a major today. The medical report does not support the allegations levelled in the F.I.R. The differences between the parties have been settled outside the Court. The petitioner is in custody since 8.7.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Learned counsel for the informant appears suo motu but does not oppose the prayer for bail to the petitioner.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the petitioner having remained in custody for over 1 year, investigation in the case having concluded, this Court directs the petitioner to be enlarged on bail in connection with Jogapatti P.S. Case no. 280 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 6th Additional District and Sessions Judge-cum-Special Judge, POCSO, Bettiah, West Champaran.

(Partha Sarthy, J)

Bibhash/-

U			
---	--	--	--

