

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16503 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA P.S. District- Kaimur (Bhabua)

ABHIJEET KUMAR SINGH @ ABHIJEET KUMAR Son of Makardhwaj
Singh Resident of village - Sikroul, P.S.- Rajpur, District - Buxar (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak
For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 26-08-2022 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned A.P.P. for the State through video-conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered u/s 366A and 376 of the Indian Penal Code and 4 of the POCSO Act.

As per the prosecution case, the petitioner is alleged to have committed rape on the informant aged about 17 years on the pretext of marriage.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has clean antecedent as stated in para 3 of



the bail petition. The medical report assessed the age of the victim as 17-19 years. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that one Amit Kumar committed rape on her while the name of the petitioner is Abhishek Kumar. The victim has no knowledge about the name of the petitioner. She has further stated that she has lived with Amit Kumar for one year. As per the medical report, the doctor has opined that on the basis of finding and evidence, the incident of recent rape cannot be asserted. The petitioner is in custody since 05.03.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of this case as well as the material available on the record and the period of detention, the petitioner is directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Vith-cum-Special Judge POCSO Act, Kaimur, Bhabua in connection with POCSO Case No. 08 of 2021 arising out of Mahila P.S. Case No. 17 of 2021, with one condition:-



1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled by the concerned Court.

The application stands allowed.

(Chandra Prakash Singh, J)

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