

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45225 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- BHAPTIAHI District- Supaul

MD. RIYAJUL S/o MD. VAKIL R/o VILLAGE-MAKAIR GADHIYA,
WARD No.15, P.S-BHAPTIYAH, DISTRICT-SUPAUL.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 20-01-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376 and some other allied Sections of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, while the daughter of informant had gone out for cutting grass, in the meanwhile, this petitioner came near the victim, assaulted her and committed rape with her.

Learned counsel appearing for the petitioner submits that victim in her statement u/s 164 of the Cr. P. C. denied the allegation of commission of rape and stated that she was simply assaulted by this petitioner. The doctor has not found any sign of



rape. The petitioner was also medically examined and no evidence of rape was found. Petitioner claims clean antecedent and is in custody since 13.01.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case, the period of custody of the petitioner and the statement of victim recorded u/s 164 of the Cr. P. C., let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum- Special Judge, POCSO Act, Supaul in connection with Bhaptiyahi PS case No. 08/2021.

(Prabhat Kumar Singh, J)

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