

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45760 of 2022

Arising Out of PS. Case No.-30 Year-2022 Thana- MAHILA P.S. District- Siwan

Nitish Kumar Son Of Sri Kishundev Rai R/O Village- Lauwa, P.S.-
Baniyapur, District- Saran At Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-12-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

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

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 30 of 2022 registered for the offences
punishable under Sections 341, 342 and 376 of the Indian Penal
Code and 4 and 6 of the POCSO Act.

As per the prosecution, this petitioner is alleged to
have committed rape on the victim.

The main submissions advanced by the learned
counsel Mr. Ashok Kumar appearing for the petitioner are that
the allegation made in the FIR is totally false, in fact the



petitioner and the informant's daughter was having love affair and the so-called victim had herself left the house of her parents and in this regard she stated before the Judicial Magistrate while recording her statement that she herself went to meet the petitioner and no any sexual assault was committed by this petitioner and the petitioner is innocent. Further submission is that the petitioner is aged about 20 years having clean antecedent and has been languishing in jail since 02.07.2022.

Learned APP Mr. Binod Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. Though the allegation made in the FIR is serious in nature but the facts revealed by the victim before the Judicial Magistrate as discussed in the paragraph No. 8 of the petition goes against the allegation made in the FIR and moreover the victim has been recovered and the petitioner is a young boy having clean antecedent. Considering all these facts as well as the petitioner's custody period, in view of this Court, a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in



connection with Mahila P.S. Case No. 30 of 2022, further on this condition that the Court below will verify the above submissions made by learned counsel for the petitioner in respect of the facts revealed by the victim before the Judicial Magistrate while recording her statement. If any fact contrary to the above-mentioned submissions is found in the victim's statement then the Court below shall take a serious action against the petitioner by cancelling his bail bond.

(Shailendra Singh, J.)

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