

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70510 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vipin Kumar, Son of Upendra Mahto, Resident of village - Kalyanpur Basti,
Tole - Phulwariya, P.S.- Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mohiuddin Nagar P.S. Case No. 167 of 2021 registered for the alleged offences under Sections 376, 511, 457, 341 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

As per prosecution case, the petitioner made an attempt to rape the minor sister of the informant and during scuffle, he was beaten by the informant and received injuries.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case is counter blast of Mohiuddin Nagar P.S. Case No. 182 of 2021 which was lodged by the petitioner against the informant and others under Section 307 of the Indian Penal Code and other allied Sections wherein it has been alleged that the informant and others assaulted the petitioner who received grievous injuries. On the facts of this case, it has been submitted by the learned counsel that the medical examination of the victim girl was not done and so it is not possible to say that she was sexually assaulted or what was her age. Charge sheet has been submitted in this case and the petitioner is in custody since 10.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that he entered into the house of the informant and attempted to commit rape with the sister of the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI-cum-Special Judge, POCSO Act, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 167 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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