

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72623 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Samastipur

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Basant Kumar S/O Anandi Das Resident Of Village- Bhusawar, P.S.-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 36 of 2021 lodged under Section 376 of
the I.P.C. read with Section 4 of the POCSO Act.

As per the prosecution case, the allegation of rape is
there against the petitioner when the victim went for natural
call.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that Annexure-2 is the cause due to which the present case has
been filed. Learned counsel for the petitioner submits that father

of the petitioner has filed criminal case against the brother of the victim and his other associates in which matter was referred before *Sarpanch* and social prestige of the informant's side was lowered down and only due to this retaliation, the present case has been filed in which petitioner has been made accused. Counsel submits that there is allegation of attempt to rape in the F.I.R. The age of alleged victim is shown in the F.I.R as 15 years whereas in the medical report, her age was ascertained by the doctor is more than 18 years.

Counsel submits that the present case is the result of pending enmity between the parties and only due to this reason, she has narrated her statement under Section 164 of Cr.P.C. before the Magistrate. Counsel further submits that petitioner is in custody since 27.05.2021 having no criminal antecedent and that the charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and only submits that in the F.I.R., the age of informant is 15 years given whereas in the medical report the age is more than 18 years.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees

Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO or successor Court Samastipur in connection with Mahila P.S. Case No. 36 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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