

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18767 of 2023**

Arising Out of PS. Case No.-49 Year-2019 Thana- SINGHESHWAR District- Madhepura

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Nitish Kumar @ Nitish Kumar Nirala S/O Narayan Mandal R/O Village-
Ward No.1, Dandari, N.H. 106, Behri, P.S- Singhesgwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under Section

376/34 of the Indian Penal Code, Section 4 of the

POCSO Act and Sections 3(1)(w)(xii) of the SC & ST

(POA) Act.

It is alleged by the informant that his minor

daughter was raped by the petitioner along with co-

accused Kuthna Mandal.



It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The police after investigation did not find the case true against the petitioner and submitted final form. The victim in her 164 Cr.P.C did not name the petitioner rather she specifically took the name of co-accused Sundar Ram. Moreover, good sense has been prevailed between the parties and both sides have compromised the matter which has been annexed as Annexure-4 to the petition. The petitioner is languishing in custody since 16.01.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In the facts and circumstance of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-POCSO Judge, Madhepura in connection



with POSCO Case No. 12 of 2019, arising out of
Singheshwar P.S. Case No. 49 of 2019.

(Sunil Kumar Panwar, J)

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