

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29594 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- MAHILA PS District- Darbhanga

Gautam Kumar Thakur @GAUTAM Kumar S/O Ramsogarath Thakur R/O
Village- Kamtaul, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr.Ganesh Pd Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and the State.

2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 354B/376D of the IPC and sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, petitioner along with other accused persons, all named in the FIR, forcefully lifted the victim girl and took her into the forest and committed rape on her.

4. Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to business rivalry with other shopkeepers. Police after investigation submitted final form and not sent up the petitioner for trial but the Court below differing with the same took cognizance of the offence. Doctor has assessed the age of the victim between 16 to 17 years and has



not find sign of rape. Petitioner claims clean antecedent.

5. Considering the aforesaid facts of the case, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, POCSO Act, Darbhanga in Mahila Police Station Case No. 27 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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