

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42700 of 2023

Arising Out of PS. Case No.-161 Year-2023 Thana- RAJPUR District- Buxar

Deepak @ Deepak Singh S/O- Lalan Yadav @ Lalan Singh Village- Bahuara
Ps- Rajpur Dist-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-07-2023 Let the defect(s), if any, be removed within two weeks from today.

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

3. The petitioner seeks regular bail in connection with Rajpur P.S. Case No. 161 of 2023 dated 06.05.2023, lodged under Section 376(D) of the I.P.C. read with Section 4/6 of the POCSO Act 2012.

4. As per the prosecution case, there is an allegation of rape against the petitioner made by the informant.

5. Learned counsel for the petitioner submits that the petitioner and informant both belongs to the same village and are neighbourer. Counsel submits that the examination of Medical Board is Annexure-2. In the examination, the age of the

alleged victim has been ascertained between 18-19 years.

Opinion of the doctor is that there is no sign of recent sexual act.

6. Learned counsel for the petitioner further submits that in this circumstance, the POCSO Act shall not at all be applicable. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 11.05.2023. Counsel further submits that there is no chance of tempering of any evidence at the hand of the petitioner.

7. Learned counsel for the petitioner further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Counsel also submits that from the contents of the F.I.R., it transpires that most of the occurrence took place at Delhi since, November 2020 but F.I.R. has been lodged in the year 2023.

8. Learned counsel for the State opposes the prayer for bail.

9. 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 Additional District & Sessions Judge-VIth-cum-Special Judge, POCSO, Buxar in connection

with Rajpur P.S. Case No. 161 of 2023, subject to the conditions
as laid down under Section 437(3) of Cr.P.C.

10. With this observation, the bail application
stands allowed.

(Dr. Anshuman, J.)

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