

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74471 of 2022**

Arising Out of PS. Case No.-73 Year-2018 Thana- MAHILA P.S. District- Siwan

Nitesh Kumar, Son of Lal Babu Prasad, R/o Village- Satwar, P.S.- G.B. Nagar,  
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                           |
|--------------------------|---|---------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Devendra Kumar Sinha, Sr. Advocate<br>Mr. Ajay Kumar Pandey, Advocate |
| For the Opposite Party/s | : | Mr. Anil Prasad Singh, A.P.P.                                             |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-01-2023                      Heard learned counsels for the petitioner and the  
State.

Earlier prayer for bail of the petitioner was rejected  
vide order dated 16.08.2022.

Petitioner apprehends arrest in a case registered for  
the offences punishable under Sections 376(d) of the Indian  
Penal Code and Sections 4/8 POCSO Act.

Learned counsel appearing for the petitioner submits  
that there is no allegation of sexual assault against the  
petitioner. The Medical Board has not found any sign of recent  
sexual activity and assessed the age of victim between 18-19  
years. Similarly situated two co-accused persons have already  
been granted bail vide order dated 01.11.2022 passed in Cr.



Misc. No. 7381 of 2022 and vide order dated 05.12.2022 passed in Cr. Misc. No. 44421 of 2022. Petitioner has got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Additional District Judge-VI-cum-Special Judge POCSO, Siwan in Siwan Mahila P. S. Case No. 73 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Navya/-

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