

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74708 of 2022**

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

Rahul Kumar Son Of Nag Lal Prasad @ Nand Lal Prasad R/V- Satwar, P.S-
G.B. Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

7 02-11-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376(D) of the Indian Penal Code and Sections 4, 8 of the POCSO Act.

It is a case of commission of rape by the petitioner to the informant, minor girl.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. For the alleged occurrence of 13.10.2018, the F.I.R was registered on 15.10.2018



without explaining the delay. The victim was in love with one Atma Yadav and since petitioner had some business dispute with aforesaid Atma Yadav, the informant falsely implicated the petitioner. Though the case has been lodged under Sections 376(D) of the Indian Penal Code and Section 4/8 of the POCSO Act, but after investigation, charge-sheet has been submitted under Sections 341, 323, 354, 504, 506 of the Indian Penal Code and Sections 4/6 of the POCSO Act. The medical report also does not corroborate the case of the prosecution as no sign of recent sexual activity was found and the age of the victim was found between 18-19 years. There is no eye witness to the occurrence nor any independent witness has supported the case of the prosecution. The petitioner is languishing in custody since 14.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of



the petitioner.

Considering the facts aforesaid and the period under custody, 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 Special Judge, POCSO, Siwan in connection with POCSO Trial No. 42 of 2021, arising out of Siwan Mahila P.S. Case No. 73 of 2018.

(Sunil Kumar Panwar, J)

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