

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5334 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- AUANGARI District- Nalanda

KISHORI PRASAD Son of Late Sadhu Prasad R/v- Maharjpur, P.S.- Aungari,
District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Prasad Sinha

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under section 376 of the Indian Penal
Code and Sections 4/6 of POSCO Act.

It is a case of attempt of rape by the uncle of the
victim girl aged about 5 years, who is the petitioner.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. Petitioner
is 60 years old and in her statement recorded u/s 164 Cr.P.C.
victim girl has not made allegation of rape against the petitioner
only she whispered that petitioner has teased her by opening her
panty. There is delay in lodging the FIR of about 11 days
without any plausible reason. It appears from para 40 of the case



diary that guardian of the victim girl was not inclined to get conduct the medical examination, which creates doubt in authenticity of the prosecution story. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 21.5.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge Special Judge POCSO, Bihar Sharif, Nalanda in connection with POCSO Case No. 52 of 2022 Aungari P.S. Case No. 44 of 2022.

(Sunil Kumar Panwar, J)

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