

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21826 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

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Sujit Prasad Kushwaha @ Sujit Prasad, son of Ramdeo Prasad Kushwaha,
resident of Village Dekaha Laxman Tola, P.S. Motihari Muffasil, District
East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhuneshwar Pandey, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 19-06-2017

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
31.01.2017 in connection with Motihari Muffasil P.S. Case No.
41/17 for offences punishable under Sections 366, 376, 370, 354-
A, 354-B of the Indian Penal Code and Sections 4, 6 of the
POCSO Act.

The prosecution case, as lodged by the victim-
informant, is that she was lured by accused Suraj Ram for getting
a job for her and was forcefully made to dance in an orchestra
party. She was kept in the house of the petitioner. Another co-
accused Dipak Ram had committed rape on her. It is further
alleged that the petitioner along with other co-accused used to beat
her and forcefully made her to dance.



It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case as the victim was kept in the house of the petitioner.

However, learned APP for the State submits that the victim girl and other witnesses have also deposed before the Child Line Counsellor, Motihari alleging involvement of the petitioner with other co-accused, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the petitioner privilege of bail to the petitioner at this stage in connection with Motihari Muffasil P.S. Case No. 41/2017, pending in the court of learned 1st Addl. Sessions Judge-cum- Special Judge (POCSO Act), East Champaran at Motihari.

(Nilu Agrawal, J)

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