

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14990 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SUPPI District- Sitamarhi

CHHOTAN KUMAR @ CHHOTU PASWAN S/O Shivdhani Paswan,
Resident of Village - Barharwa Police Station - Suppi, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 456, 354B, 504, 506, 34 of the Indian Penal Code and Sections 8 and 10 of the POCSO Act.

As per FIR, allegation against one Sunil Kumar, and Raja Kumar, Sujit Kumar including Chhotan Kumar (Petitioner) who entered in the house of informant and tried to commit rape with her. The informant prohibited them to do so they take out



knife and threatened her to kill.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is no specific allegation against the petitioner. The similarly situated co-accused have been granted bail by different co-ordinate Benches of this court vide Cr. Misc. No. 1674/2021 and Cr. Misc. No.5899/2021. He further submits that statement of the victim recorded under Section 164 Cr.P.C. in which she alleged only against Sunil Kumar and Raja Kumar had entered in her house and misbehaved with her and her mother but later on she stated that at 12.00 O'clock in the night when she came out from the house to provide food to the dog then saw one Chhotu Paswan (petitioner) standing back side of the tree armed with gun and accordingly stated another story which is neither believable nor acceptable in the eye of law. The petitioner is languishing in judicial custody since 18.10.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State opposes the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of



the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Tr. No. 66/2020 arising out of Suppi P.S. Case No. 80/2020 to the satisfaction of learned Court below where the case is pending/ successor court.

(Anjani Kumar Sharan, J)

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