

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35273 of 2020

Arising Out of PS. Case No.-205 Year-2020 Thana- CHAKIA District- East Champaran

AMARJEET KUMAR son of Phuleshar Mukhiya Resident of Village- Koyala
Belwa, P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-01-2021 Heard the learned counsel for the petitioner and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Chakia P.S. Case No. 205 of 2020, registered for the offence punishable under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

The allegation is regarding the petitioner and one other accused person having apprehended the daughter of the informant, whereafter, the accused person, namely, Guddu Kumar, had committed rape with the daughter of the



informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 04.09.2020. The learned counsel for the petitioner, by referring to the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, has submitted that the victim girl has only taken the name of the co-accused person, namely, Guddu Kumar, of apprehending her and committing rape with her, however, there is no whisper about the name of the petitioner in her statement.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the statement made by the victim girl under Section 164 Cr.P.C.



before the learned Magistrate, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge cum Special Judge POCSO Act, Motihari, East Champaran, in connection with Chakia P.S. Case No. 205 of 2020.

(Mohit Kumar Shah, J)

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