

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1852 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Shashi Kumar @ Shashi Bhushan @ Shashi Ranjan S/O Lalbabu Sah R/o
village- Sariyatpur (Turaha Toli), P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

It appears from perusal of report of learned Trial

Court, the present case was registered as 'Muffasil P.S. Case No.
234 of 2021 dated 05.05.2021' and not as 'Muffasil P.S. Case
No. 234 of 2012, where father's name of victim is let 'Surendar
Shah' not 'Surendar Jha'.

Accordingly, learned counsel for the petitioner is

permitted to make necessary correction during the course of the

day itself.

The petitioner seeks bail in connection with Muffasil



P.S. Case No. 234 of 2021 registered for the offence under Sections 313, 420, 376, 504, 506 and 34 of the I.P.C. and under Section 04, 08 and 12 of the POCSO Act.

The accused/petitioner is named in the F.I.R. and is in custody since 31.10.2021.

The allegation against the petitioner is to commit rape/penetrating sexual assault upon informant/victim and also to cause miscarriage, with further allegation that promise of marriage was not acted upon.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, this case has been lodged against this petitioner, as negotiation of marriage was delayed. A supplementary affidavit was filed on behalf of petitioner showing deposition of victim before the Trial Court, where she, specifically, stated that no any such occurrence took place with her, under the circumstances, no purpose shall serve to keep this petitioner for any further period of custody, as under trial prisoner. It is further pointed out that the present implication is founded over wrong impressions, where marriage between the parties has already been solemnized. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as informant/victim took completely “U-turn” by denying the occurrence, while deposing before the Trial Court, no purpose will serve by keeping this petitioner as under trial prisoner, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 234 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-special Judge, POCSO, Motihari, East Champaran, Bihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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