

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43276 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Saharsa

Hiraj @ Md. Hiraj S/o Mumtaz R/o village- Mahua Bazar, Ward No. 03, P.S.-
Basnahi, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi W/o Pappu Sada R/o village- Mahua Bazar, Ward No. 03, P.S.-
Basnahi, District- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Saharsa
Mahila P.S. Case No. 13 of 2022 registered for the offences
punishable under Sections 341, 323, 376, 504 and 506/34 of the
Indian Penal Code, Sections 4 and 6 of POCSO Act and
Sections 3 (i) (r) (s), 3(1) (w) (i) (ii), 3(2) (va) of the SC and ST
Act.

As per the prosecution, the informant's minor daughter was

raped by accused Sarfaraj. Further it is alleged that this petitioner with other co-accused persons abused and assaulted the informant's daughter.

The main submissions advanced by learned counsel Mr. Pankaj Kumar Singh, appearing for the petitioner are that the so-called victim did not disclose the name of the petitioner being involved in the alleged crime of rape in the statement recorded under Section 164 of Cr.P.C, the said victim made the allegation of rape against the co-accused Sarfaraj and he has been granted bail by the Court below on the basis of his Juvenility and several other co-accused persons have already been granted bail by the different Benches of this Court vide orders passed in Cr. Misc. No. 39423 of 2022, Cr. Misc. No. 28446 of 2022 and Cr. Misc. No. 25248 of 2022 and as per the FIR there is no serious allegation against the petitioner and he cannot be deemed to be involved in the alleged crime of rape with the main co-accused.

Learned APP Mr. Sadanand Paswan, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The informant's daughter is stated to be the main victim of the instant matter and according to the informant the alleged crime

of rape was committed on the victim by co-accused Sarfaraj and the allegations made in the FIR do not reveal that the petitioner was involved in the crime of rape and against him the main allegation is of having abused and assaulted the victim after the happening of the alleged crime of rape when the victim was found by this petitioner and co-accused person standing near a Maize Field. Considering the nature of the allegation appearing against the petitioner and his custody period and also the fact that the similarly situated co-accused persons are on bail as mentioned above, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Saharsa Mahila P.S. Case No. 13 of 2022.

(Shailendra Singh, J.)

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