

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52715 of 2021

Arising Out of PS. Case No.-133 Year-2021 Thana- ADAPUR District- East Champaran

AKHILESH PRASAD GUPTA Son of Late Mohan Prasad Gupta @ Mohan Prasad Resident of Village - Gahmariya Khurd, P.S.- Adapur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Adapur P.S. Case No. 133 of 2021 registered for the offences punishable under Sections 452, 341, 323, 467, 468, 354, 354-B, 376, 511/34 of the Indian Penal Code 1860 and Section 8 of POCSO Act.

The allegation, as per the First Information Report, is that the petitioner along with co-accused Rahul Pandey entered into the house of the informant and demanded the loan amount which was given to the informant by father of the petitioner. It has further been alleged that the accused persons took signature



of the informant on the paper and when the minor daughter of the informant intervened in the matter, Rahul Pandey tried to outrage her modesty by pushing her on the *chowki*.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to dispute relating to payment of loan and he has not committed any offence in the manner alleged. He next submits that from perusal of the First Information Report it would be evident that the allegation of outraging the modesty of daughter of the informant, is on co-accused Rahul Pandey, and not on the petitioner. Petitioner is in custody since 23.6.2021 having no criminal antecedent and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, there is no allegation in the First Information Report that he outraged the modesty of the daughter of the informant, he is in custody since 23.6.2021 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VIIth cum Special Court, POCSO Act, Motihari, East Champaran, in connection with POCSO Case No. 121 of 2021 arising out of Adapur P.S. Case No. 133/2021.

(Anil Kumar Sinha, J)

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