

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3932 of 2023

Arising Out of PS. Case No.-355 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Chandramani Tiwari S/o Late Pancha Tiwari R/o Village- Balathari, P.S.-
Kuchaikote, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 377 of the Indian Penal Code and Section 4 and 6 of POCSO Act.

As per F.I.R., the allegation against the petitioner is of committing unnatural offence with the informant's grand-son aged about 12 years.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. The informant is not an eye witness to the alleged occurrence. The allegation levelled against the petitioner is that he committed unnatural offence with the informant's grandson in his house which is completely absurd as no person would commit such



offence in the house where he resides with his wife and children. As per medical report of the victim which is annexed as Annexure-2, no evidence of any unnatural sexual assault has been found. The petitioner has got no criminal antecedent as stated in para 3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 15.08.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kuchaikote P.S. Case No. 355 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge, POCSO, Gopalganj.

(Sunil Kumar Panwar, J)

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