

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6977 of 2023

Arising Out of PS. Case No.-39 Year-2021 Thana- MAHESI District- East Champaran

Md. Ilyas @ Md. Iliyas Son Of Abdul Sattar R/V- Motijhil Chaklalu P.S-
Mahesi, Dist- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-07-2023 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 313, 341, 323, 376, 379, 504, 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

As per prosecution case, the allegation against the petitioner is that he committed rape with the victim on false pretext of marriage. It is further alleged that when the victim went to family members of the petitioner for the purpose of marriage they also assaulted her.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. As per statement of the victim, it appears that both parties are



consensual parties and he has falsely been implicated in this case due to enmity. As per injury report which is annexed with case diary wherein, doctor opined injury sustained by injured is simple in nature. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.09.2022.

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 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 Mehshi P.S. Case No. 39 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum Special Judge POCSO Act, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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