

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6650 of 2023

Arising Out of PS. Case No.-813 Year-2022 Thana- MAJHAULIA District- West Champaran

Ajay Kumar Kushwaha Son Of Vinod Kushwaha Resident Of Village -
Nautan Khurd, P.S.- Majhauiliya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Adya Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Majhauiliya P.S. Case No. 813 of 2022 registered under sections 341, 323, 354(A), 504 and 34 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

Allegation against the petitioner is that when the minor daughter of the informant was returning home from Chhath Puja, in the meantime the petitioner pulled her dupatta and tried to outrage her modesty. The victim somehow managed to escape and informed her parents about the occurrence. Further alleged that when her parents went to the house of the petitioner and inquired about the same, the petitioner and his



family members started abusing and assaulting him.

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 Panchayat election. There is delay of 4 days in lodging the F.I.R. without any explanation for the same. It is further submitted that during the course of investigation, no any witness has supported the prosecution case. The petitioner has not committed any wrong with the informant's daughter. Nothing consistent material came against the petitioner to implicate in this case. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 28.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Majhauliya P.S. Case No. 813 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Special Judge
POCSO-Cum-Additional District and Sessions Judge-VIth,
Bettiah (West Champaran).

(Sunil Kumar Panwar, J)

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