

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6303 of 2023

Arising Out of PS. Case No.-439 Year-2022 Thana- SAUR BAZAR District- Saharsa

1. Munna Sada S/O Late Feku Sada Resident Of Village- Baijnathpur, Ward No.- 06, P.S.- Sour Bazar (O.P Baijnathpur), District- Saharsa.
2. Buttan Sada S/O Late Feku Sada Resident Of Village- Baijnathpur, Ward No.- 06, P.S.- Sour Bazar (O.P Baijnathpur), District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 376A, 376B, 504, 506/34 of the Indian Penal Code and Section 4, 6 of the POCSO Act.

As per allegation in the FIR, the informant alleged that her daughter, aged about 3 years, has been raped by the co-accused persons. The allegation against this petitioner is of abusing and assaulting to the informant.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. From perusal of FIR, there is no specific over-act in respect of



commission of rape against the petitioners whereas they are family members of co-accused Ajay Kumar Sada and due to which they have falsely been made accused in the present case. A statement has been made in para-3 of the petition that the petitioners have got no criminal antecedent. It is further submitted that the petitioners are languishing in judicial custody since 27.8.2022.

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 petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sour Bazar P.S. Case No. 439 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.S.J.-VI-Cum Special Judge (POCSO), Saharsa.

(Sunil Kumar Panwar, J)

Amandeep/-

U		T	
---	--	---	--

