

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9498 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHILA P.S. District- Muzaffarpur

Sonu Kumar Son of Late Chalitra Paswan, R/V- Chakbhikhi, P.S.- Maniyari
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-05-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 44 of 2022 dated 02.07.2022 lodged under
Sections 341, 342, 354(c), 506, 376, 379 and 120(B) of the
I.P.C. and Section 4/6 of POCSO Act.

As per the prosecution, the F.I.R. has been lodged
with an allegation that the victim was raped by Md. Sitare and
petitioner was the moot spectator of the said occurrence.

Learned counsel for the petitioner submits that there is
no act or overt act against the present petitioner. The allegation
in the F.I.R. that petitioner was moot spectator of the said

occurrence. From the content of the F.I.R. it is very much clear that the said occurrence took place on 27.06.2022 but F.I.R. has been lodged on 02.07.2022 at 4.30 pm. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 03.07.2022. Counsel further submits that there is no active participation of the petitioner in commission of the said crime.

Learned counsel for the State opposes the prayer for bail.

Upon specific query that whether charge has been framed in this case or not, counsel submits that according to his knowledge, charge has not been framed in this case.

In the present facts and circumstances of this case, this Court is not inclined to grant bail to the petitioner, therefore, bail petition of the petitioner is hereby rejected.

Liberty is hereby granted that petitioner may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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