

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8140 of 2023

Arising Out of PS. Case No.-131 Year-2022 Thana- DINARA District- Rohtas

NITESH KUMAR @ NITISH KUMAR S/O KAUSHAL SINGH Resident of
village- Kori, P.S.- Dinara (Bhanas), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 12-04-2023 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 341, 323, 292, 354,(C)(d), 120(B)/34 of the Indian Penal Code and Section 8/12 of the POCSO Act.

As per prosecution case, the informant alleged that when her daughter went to his neighbour's house, co-accused Ritesh Kumar took her objectionable photo and viral it. Allegation against this petitioner is of also assaulting to the victim and made viral her objectionable photo.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The informant and the petitioner are next door neighbour and a dispute regarding boundary is going on between them due to



this reason the petitioner has falsely been implicated in this case. It is further submitted that the alleged date of occurrence is on 20.4.2022 but the FIR has been lodged on 3.5.2022 without explanation of delay of 13 days. Similarly situated co-accused namely, Ritesh Kumar has already been granted bail by a co-ordinate Bench of this Court vide order 13.2.2023 passed in Cr. Misc. No.50994 of 2022. Moreover, the petitioner is languishing in judicial custody since 15.12.2022.

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, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dinara (Bhanas) P.S. Case No. 131 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 Additional District & Sessions Judge 7th-cum-Special Judge, POCSO, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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