

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10776 of 2023

Arising Out of PS. Case No.-142 Year-2021 Thana- RAJEPUR District- East Champaran

Paltu Bhagat @ Chandrika Bhagat @ Chandrika Kumar Son Of Birendra
Bhagat @ Ravindra Bhagat R/O Village- Kashi Pakri, P.S.- Rajepur, District-
East Champaran At Motihari Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajesh Kumar Singh Mr. Manish Kumar Singh Mrs. Akrity Aishwarya Mr. Kundan Kumar
For the Opposite Party/s :	Mr. Binay Krishna

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 filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 363, 354(B), 120(B)/34 of the Indian Penal Code, Section 8 and 12 of the POCSO Act and Section 3(i)(r)(s) (w)(i) of the SC/ST Act.

As per prosecution case, the daughter of the informant was kidnapped by the four named accused persons namely Abhisek Kumar, Chulahi Kumar, Amit Kumar and Paltu Bhagat (petitioner). Her daughter who was a 15 years old minor was misbehaved with.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated



in the present case. From a bare perusal of the F.I.R., it transpires that there is no allegation of rape upon the daughter of the informant and after returning the daughter of informant, the present F.I.R. instituted in which not a whisper about a rape was mentioned in the F.I.R. and thereafter the statement of the victim was recorded u/s 164 of the Cr.P.C. on 04.12.2021. The date of F.I.R. is 21.09.2021 but the statement of the victim was recorded on 04.12.2021 in which the victim has developed a new story and stated therein that the petitioner and other co-accused persons have committed rape upon her. It is further submitted that the allegations alleged in the F.I.R. and the statement u/s164 of the Cr.P.C. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Similarly situated co-accused namely Chulahi Kumar @ Shyam Kumar has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 07.07.2023 passed in Cr. Appeal (SJ) no.1731 of 2023. It is also submitted that petitioner is languishing in judicial custody since 14.03.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.



Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Rajepur P.S. Case No. 142 of 2021 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 VIIth Additional District and Sessions Judge-cum-Special Judge, POCSO Act, Motihari.

(Sunil Kumar Panwar, J)

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