

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19687 of 2023

Arising Out of PS. Case No.-365 Year-2019 Thana- PAROO District- Muzaffarpur

SUNNY KUMAR @ SANNY KUMAR S/O SHANKER RAM @
SHANKAR RAM Resident of Village- Dhanrajpur, P.S.- Saraiya, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 363, 366(A), 376(G) of
the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

The allegation against the petitioner along with others
is of kidnapping the informant and forcibly committed gang
rape upon her, when she went to attend call of nature.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. The victim girl has recovered. From the
perusal of the impugned order, it is apparent that the victim girl
specifically stated that co-accused Prem Kumar and Anand
Kumar committed rape upon her. The petitioner and co-accused



namely Vikram Kumar only stand near the place of occurrence. There is no Specific overt act against the petitioner. He further submitted that the other co-accused has already been granted bail by a Co-ordinate Bench vide order dated 17.05.2022 passed in Cr. Misc. No. 8825 of 2022. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 30.09.2022.

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

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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7th-cum-Special Court (POCSO Act), (West) Muzaffarpur in connection with Paroo P.S. Case No. 365 of 2019.

(Sunil Kumar Panwar, J)

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