

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17944 of 2023

Arising Out of PS. Case No.-394 Year-2022 Thana- RAXAUL District- East Champaran

Rakesh Kumar @ Ashish Kumar Son Of Ramayan Sahni Resident Of Village
- Sarsaula, P.S. - Lakhaury, Distt. - East Champaran Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for regular bail has been filed by the petitioner registered for the offence punishable under Sections 452, 376, 511 of the Indian Penal Code and Section 4 and 8 of the POCSO Act.

As per allegation in the FIR, when the informant was alone at her house, petitioner knocked the door and on opening, he entered inside the house for which she did not object as she had friendship with him. On pretext of marriage, petitioner attempted to commit wrong with her but on alarm being raised by the informant, local people assembled there and caught the petitioner and handed him over to the police.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner has not committed physical misbehavior with



the victim/informant. Allegedly, in statement of the victim girl recorded u/s 164 Cr.P.C. she deposed different story from the FIR and stated that earlier petitioner on the pretext of marriage had established physical relationship with her in Nepal but still, she denied the medical test, which creates doubt in authenticity of the prosecution case. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 11.08.2022.

Learned APP appearing for the State has opposed the prayer of 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 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 District and Sessions Judge VII-cum-Special Judge POCSO Act, East Champaran, Motihari in connection with Raxaul P.S. Case No. 394 of 2022.

(Sunil Kumar Panwar, J)

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