

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23573 of 2023

Arising Out of PS. Case No.-6 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

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KANHAIYA PASWAN, S/O KISTO PASWAN, Resident of Santar Mohalla
ward No.- 13, Lakhisarai, P.S. and District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 12-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Lakhisarai (Mahila) P.S. Case No. 06/2021(Corresponding to POCSO Case No. 04/2021), disclosing commission of offence punishable under Sections 376, 511 of the Indian Penal Code and Section 8/18 of the POCSO Act.

The petitioner is in custody since 09.02.2021. His prayer for bail was earlier rejected by this Court by an order dated 06.04.2022 passed in Cr. Misc. No. 62744 of 2021.

It has been submitted on behalf of the petitioner that there is no substantial progress at the trial and the petitioner has remained in custody for more than two years. He has further



submitted that no offence under Section 376 of the IPC is made out on the basis of what has been alleged in the FIR. There is only allegation of attempt to commit rape, which, according to him, is false.

Be that as it may, considering the facts and circumstances and that the petitioner has remained in custody for more than two years, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Addl. Sessions Judge-VIth-cum-Special Judge, POCSO Court, Lakhisarai in Lakhisarai (Mahila) P.S. Case No. 06/2021 (Corresponding to POCSO Case No. 04/2021).

(Chakradhari Sharan Singh, J)

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