

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23644 of 2022

Arising Out of PS. Case No.-177 Year-2020 Thana- MADHUBAN District- East Champaran

RAJAN PRASAD Son of Ram Pragash Bhagat @ Ram Prakash Bhagat
Resident of village - Madhopur, P.S.- Madhuban, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Madhuban P.S. Case No. 177 of 2020 for the offence registered under Sections 456, 457, 354-B and 504/34 of the Indian Penal Code.

The allegation is regarding the petitioner along with two other persons having entered the house of the informant, whereafter they had made an attempt to rape her, however, on her having raised alarm, other family members and villagers had arrived resulting in the petitioner and others



fleeing away from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 22.02.2022. The learned counsel for the petitioner has further submitted that the victim girl has neither given any statement under Section 164 of the Cr.P.C. before the learned Magistrate nor has given her consent for medical examination, hence the falsity of the case of the prosecution is apparent from the records.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary apart from the fact that neither the victim girl has consented to medical examination nor has given any statement



under Section 164 Cr.P.C before the learned Magistrate apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since about 10 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge cum Special Judge, POCSO, Motihari, East Champaran in connection with Madhuban P.S. Case No. 177 of 2020 (C.I.S. No. 13/22).

(Mohit Kumar Shah, J)

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