

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23833 of 2023**

Arising Out of PS. Case No.-65 Year-2020 Thana- MAHILA P.S. District- Samastipur

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SUJEET KUMAR Son of Baulal Ram Resident of village-Purushottampur,
Police Station-Kalyanpur, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 352, 342, 323,
354B, 376 and 511 of the Indian Penal Code and Section 8 of
POCSO Act.

3. While the informant was sleeping in her house, the
petitioner is said to have come and tried to commit rape against
her.

4. It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. He has been
falsely implicated in this case due to land dispute. Both the
parties are agnates. There is admitted land dispute between the
parties and in order to settle the dispute the informant at the



instance of her parents has filed this false and frivolous case. It is further submitted that neither the statement of the victim was recorded under Section 164 Cr.P.C. nor she was medically examined. No independent witness has supported the prosecution case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Samastipur Mahila P.S. Case No. 65 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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