

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33818 of 2023

Arising Out of PS. Case No.-449 Year-2019 Thana- DIGHA District- Patna

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Rohit Kumar @ Ayush Kumar Son Of Satendra Kumar Resident Of Village-
Bashanpur, P.S.-Rahui, District-Nalanda. At Present Resident Of Mohalla-
Indrapuri Road No. 05, P.S.-Phulwarisharif, District-Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 11-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application

for grant of regular bail in a case registered for the

offences punishable under Sections 376, 506, 363/34 of

the Indian Penal Code and Section 4, 6 of POCSO Act.

The prosecution case in nutshell is that

informant minor daughter, aged about 13 years, while

going to and coming back from the school, she had

developed friendship with co-accused Deepak Kumar,



who had given his mobile number to her and had pressurized her to talk to him. It is further alleged that on 30.07.2029, when the victim went to the school early in the morning, co-accused Deepak Kumar called her and forcibly made her sit in a car, which was being driven by co-accused Rahul Kumar. They took her to a house belonging to his friend, where she was ravished.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. Neither the informant nor the victim girl has disclosed the name of petitioner in the alleged offence. From perusal of the impugned order, it appears that the victim has not whispered anything against the petitioner in her statement recorded under Section 164 of Cr.P.C. The specific allegation of rape, harassment and torture is levelled against co-accused Deepak Kumar, not this petitioner. The name of petitioner arrayed in this case on the disclosure of co-accused Deepak Kumar. There is



inordinate delay of 5 days in lodging the F.I.R. There is no eye witness of the alleged offence. Neither the petitioner is named in F.I.R. nor he has been put on T.I.P. Moreover, the petitioner is languishing in judicial custody since 24.10.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is further submitted that co-accused Deepak Kumar has been acquitted in Cr. Appeal (DB) 303 of 2022 passed on 10.10.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Digha P.S. Case No. 449 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to



the satisfaction of the learned Additional Sessions Judge
VI-cum-Special Judge POCSO, Patna.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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