

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27419 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- CHANPATIA District- West Champaran

RAUSHAN KUMAR Son of Deepak Mahto Resident of Village - Pithaghat,
P.s.- Garkha, Distt.- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Jha,Adv.

For the Opposite Party/s : Mrs.Rina Sinha,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 30-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Chanpatia P.S. Case No.136 of 2022, registered for the offences punishable under Sections 366-A/34 of the Indian Penal Code and 8 and 12 of the Protection of Children from Sexual Offences Act.

The victim girl is stated to have been kidnapped by unknown persons when she was sitting at her shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he



has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 25.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is not having any complicity in the matter, inasmuch as he has not been alleged to have either kidnapped the victim girl or committed any untoward incident with her.

Per contra, the learned APP for the State has referred to the materials available in the case diary as also statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, wherein the victim girl has stated that one co-accused person namely, Sagar Kumar, had raped her when she was being detained at his place by one another co-accused person, namely, Tabrej Alam, who had taken her away along with him, however, the learned APP for the State has not been able to show from the records that the petitioner had committed any untoward incident with the victim girl.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged crime, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-Cum-Special Judge under the POCSO Act, West Champaran at Bettiah in connection with Chanpatia P.S. Case No.136 of 2022.

(Mohit Kumar Shah, J)

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