

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27487 of 2023

Arising Out of PS. Case No.-371 Year-2020 Thana- MUFFASIL District- West Champaran

AWADHESH MUKHIYA Son of Sri Dhela Mukhiya @ Dhela Raut R/V-
Awaraiya tiwari tola, PS- Bettiah Muffasil (Banuchhapar) Dist-West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the
parties.

The petitioner seeks bail in connection with Bettiah
Muffasil (Banuchhapar) P.S. Case No. 371 of 2020 registered
for the offence under Sections 323, 341, 354A, 379 and 506/34
of the Indian Penal Code and Section 18 of the Protection of
Children from Sexual Offences Act, 2012.

The accused/petitioner is named in the F.I.R. and is in
custody since 29.07.2022.

The allegation against the petitioner is to outrage
modesty of minor daughter of informant, aged about 15 years,
during course of occurrence and also to assault his son and to
taken away the jewellery made up of gold, during course of



occurrence.

Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with present case falsely out of disputes arises out of common passages. It is submitted that there is delay of 09 days in lodging FIR and same appears not explained through FIR. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as present FIR has lodged with unexplained delay of 09 days coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.07.2022, let the petitioner, above named, is directed to be released on bail in connection with Bettiah Muffasil (Banuchhapar) P.S. Case No. 371 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, under POCSO Act, West Champaran at



Bettiah/concerned court, subject to the condition as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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