

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30618 of 2023**

Arising Out of PS. Case No.-80 Year-2023 Thana- CHAKIA District- East Champaran

Sudish Kumar Son Of Bhikhari Sah R/O-Koyla Belwa, Tola Baraitha, P.S.-
CHAKIA, Distt.-EAST Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 13-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Chakia
P.S. Case No. 80 of 2023 registered for the offence under
Sections 341, 323, 354-A, 504/34 of the Indian Penal Code and
under Section 08 of the POCSO Act.'

4. The accused/petitioner is named in the F.I.R. and is
in custody since 26.02.2023.

5. The allegation against the petitioner is to outrage
the modesty of minor daughter of the informant, aged about 13
years, while she was going to attend her tuition class.

6. Learned counsel appearing on behalf of the



petitioner submitted that the implication is false for the apparent reasons that informant is not the eye witness of the occurrence. It is submitted that the occurrence is of 23.02.2023 but rather than to inform police regarding occurrence informant alongwith his family members visited the house of petitioner on 26.02.2023 and arrested him later and subsequently hand over to police. It is further submitted that narration of F.I.R. is not even suggesting that occurrence was reported to informant by victim herself rather by unknown villagers. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as F.I.R. lodged with a delay of three days completely on the basis of hearsay input of unknown co-villagers where arrest of petitioner appears to be made by private persons after three days of occurrence coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with



Chakia P.S. Case No. 80 of 2023 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 District and Sessions Judge-VII-cum-Special Judge POCSO Act, East Champaran at Motihari/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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