

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34356 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. SASHI MISHRA @ SASHI BHUSHAN MISHRA Son of Late Ram Nandan Mishra Resident of village - Bara Shankar, Mishra Tola, Police Station - Patahi, District - East Champaran
 2. Santosh Kumar @ Santosh Tiwari Son of Chunchun Tiwari Resident of village - Bara Shankar, Mishra Tola, Police Station - Patahi, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. SANJAY TIWARI SON OF RAMADHAR TIWARI R/O VILLAGE- BARA SHANKAR, P.S.- PATAHI, DIST.- EAST CHAMPARAN

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar , Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-07-2023 At the outset, learned counsel for the petitioner No . 1

seeks permission to withdraw the pre-arrest bail petition.

This bail petition of Petitioner No . 1 is dismissed as

withdrawn.

Heard learned counsel for the petitioner No . 2 and

the State.

2. Petitioner apprehends arrest in a case registered for

the offence punishable under sections 302, 376, 201, 120(B) of



the Indian Penal Code and Section 6/8 of POCSO Act.

3. It is alleged that this petitioner alongwith other co-accused persons have killed the daughter of the informant by pressing her neck.

4. It is submitted that petitioner is not named in the F.I.R.. The name of the petitioner transpired on the basis of confessional statement of other co-accused persons. There is delay of four days in lodging the F.I.R for which there is no plausible explanation which itself creates doubt over the veracity of the prosecution case. There is no direct or indirect evidence against this petitioner to connect him with the alleged offence. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner No . 2, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Seventh Additional Sessions Judge cum Special Judge, POCSO Act, Motihari in connection with Complaint Case No . 87 of 2021, subject to the conditions laid



down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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