

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34399 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA PS District- Buxar

Tengari @ Amitabh Bacchhan S/O Birendra Chaudhary R/O Vill-Barka Gaon,
Baikunthpur, Buxar, Diwan Ke Barka Gaon, P.S.-Itadhi, Distt.-Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Ranjan Kr. Pandey

For the Opposite Party/s : Mr.Pushpa Sinha. I

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 376DA of the Indian Penal Code and Section 6 of the POCSO Act.

As per prosecution case, it is case of committing rape by the accused persons along with this petitioner upon the informant's minor daughter aged about 12 years.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to dirty village politics. As per statement of the victim girl recorded u/s 164 of Cr.P.C. which is annexed with the case diary, wherein she did not disclose the name of the petitioner and not whispered about the complicity of



the petitioner. The specific allegation made by the victim against co-accused Bittu and Vikash Kumar. She has clearly stated in her statement that accused Vikash Kumar taken away to her in a room and thereafter the other co-accused Bittu came there and assaulted to Vikash Kumar, took photos of the victim and committed rape with her. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 27.01.2023..

Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Buxar (Mahila) P.S. Case No. 04 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Buxar.

(Sunil Kumar Panwar, J)

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