

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36012 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- LAURIA District- West Champaran

MAHARAJ MALI @ RAJENDRA MALI Son of Late Baldeo Mali R/O
Village - Gora Belwa (Shanichari), P.S.- Shanichari, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 18-01-2023

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 363, 366A, 341, 323, 379, 504 and 506 of the Indian Penal Code and section 8 of the POCSO Act.

As per the prosecution case, it is stated by the informant that the four named accused persons including the petitioner herein as also 5-6 others who were variously armed assaulted his wife and took away his 16 year old daughter. They threatened that they would kill her.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. wherein she does not



support the prosecution case and states that she was knowing the petitioner from before. She called him herself and had gone with him. Learned counsel further submits that the age of the alleged victim has been estimated to be between 17-19 years in the medical examination report. The petitioner is in custody since 17.12.2021 and has no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the material that has transpired in course of investigation, the daughter of the informant being aged 17-19 years together with the contents of the statement under section 164 Cr.P.C., the petitioner being in custody since 17.12.2021 and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Lauriya P.S. Case no.311 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District and Sessions Judge-cum-Special Judge, POCSO at Bettiah, West Champaran.

(Partha Sarthy, J)

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