

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36783 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- PURAINI District- Madhepura

CHHOTU KUMAR S/O ARJUN SAH R/O Village- Puraini, P.S- Puraini,
Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376/34 of the Indian Penal Code and Section 4 of the POCSO Act..

According to the FIR, the informant alleged that the petitioner along with other co-accused persons took her minor daughter to a maize field where, co-accused Vikash Kumar committed rape with the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of FIR as well as impugned order, it appears that the specific overt act of commission of rape is against other co-accused namely, Vikash



Kumar. The only allegation against this petitioner is that he has assisted the co-accused Vikash Kumar in taking away the victim/daughter of the informant. No specific allegation against the petitioner in respect of commission of rape with the victim. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that petitioner is languishing in judicial custody since 22.2.2023.

Learned APP appearing for the state has 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 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 Puraini P.S. Case No. 41 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-Spl Judge, POCSO, Madhepura.

(Sunil Kumar Panwar, J)

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