

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38977 of 2023

Arising Out of PS. Case No.-80 Year-2021 Thana- WAJIRGANJ District- Gaya

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Mashuk Khan @ Mashum Khan @ Mashum Son of Makshud Khan Resident
of village - Chak Par, P.S. - Hisua, Distt. - Nawada, At present Resident of
village- Makhdumpur, P.S. - Wazirganj, Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 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 341, 342,
323, 354, 504, 34 of the Indian Penal Code and Section 8 of the
POCSO Act.

As per FIR, the allegation against the petitioner along
with other accused persons is of outraging the modesty of the
informant and her cousin sister.

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.
The F.I.R. has been lodged after the delay of two days without



explanation of delay. As per statement of the victim girl (informant) recorded under Section 164 of the Cr.P.C., which is annexed with the case diary, she has not stated about any physical assault and physical misbehave against the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the petition. The petitioner is languishing in judicial custody since 08.04.2023.

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 Wazirganj P.S. Case No. 80 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Court-cum-Additional District and Sessions Judge-VI, Gaya.

(Sunil Kumar Panwar, J)

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