

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37731 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- AURAI District- Muzaffarpur

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KUNDAN JHA @ KUNDAN KUMAR JHA S/O SRI FUDAN JHA R/O
Village- Shambhuta, PS. Aurai, Dist. Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case instituted for the offence under Sections 341, 342, 323, 307, 354(B), 376, 376DB, 34 of the Indian Penal Code and Sections 4, 6, 8 of the POCSO Act.

As per allegation in the FIR, petitioner along with four other accused persons has assaulted the daughter of the informant and tried to outrage her modesty.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. In her statement u/s 164 Cr.P.C., she has not whispered in respect of commission of rape against anyone rather she has made



allegation of modesty against co-accused Gaurav, Sonu and Dipu and not against the petitioner. Petitioner is quite innocent person and he has not committed any offence. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 18.04.2023 passed in Cr. Misc. No. 71052. There is no criminal antecedent against the petitioner and he is languishing in judicial custody since 17.03.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Spl. Judge POCSO Act, Muzaffarpur in connection with Aurai P.S. Case No. 222 of 2022.

(Sunil Kumar Panwar, J)

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