

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37342 of 2023

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

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Gaurav Jha @ Gaurav Kumar Jha Son Of Late Shyam Jha @ Shyam Sunder
Jha Resident Of Village - Shambhuta, P.S. - Aurai, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma
For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has renewed his prayer for bail, which was earlier dismissed as withdrawn by order dated 31.1.2023 Cr. Misc. No. 71030 of 2022, for the offence punishable under sections 341, 342, 323, 307, 354(B), 376DB,34 of the Indian Penal Code and sections 4, 6 and 8 of POCSO Act.

3. As per allegation in the FIR, while the daughter of the informant, aged 13 years, was returning to her house with her villagers after enjoying durga puja fair, in the meantime five miscreants including the petitioner, who were chasing them, committed rape with the victim girl.



4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case due to dirty village politics. She was medically examined at the SKMCH, Muzaffarpur where doctor has assessed her age between 14 to 16 years. Her statement was recorded u/s 164 Cr.P.C. in which she has not made specific allegation of rape against anyone. She has disclosed about teasing by four other accused persons. She has not raised finger for any overt act against the petitioner. Petitioner has got no criminal antecedent and languishing in judicial custody since 14.3.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) 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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