

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39588 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- MAHILA P.S District- West Champaran

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RUPESH SAH son of Rajdev Sah Village- Ramnagri Ps- Mainatand Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 12-07-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Bettiah Mahila P.S. Case No.
08 of 2023 dated 16.02.2023 registered for the offences
punishable u/s 376 of the Indian Penal Code and Sections 4 and
6 of the POCSO Act.

As per the prosecution case, the petitioner is alleged
to have committed rape on the minor daughter of the informant.
On halla, the victim's father came and started scolding her and



the petitioner fled away.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is brother-in-law of the victim's brother. The petitioner did not commit rape on her. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.02.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the victim in her statement recorded u/s 161 of the Cr.P.C has stated that the petitioner started trying to commit rape on her.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Bettiah Mahila P.S. Case No. 08 of 2023.

The application stands allowed.

(Chandra Prakash Singh, J)

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