

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42052 of 2023**

**In
CRIMINAL APPEAL (SJ) No.828 of 2023**

Arising Out of PS. Case No.-83 Year-2022 Thana- PATAHI District- East Champaran

BITTU KUMAR son of Late Ajay Pandey Village- Po- Kodariya Ps-- Patahi
Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Khushi Kumari D/o- Jitendra Das Village- Khutauna Ps- Patahi Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh
For the Opposite Party/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

6 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 (DA), 506, 34 of the Indian Penal Code and Sections 3(i)(v) (s)(w)(i)/3(2)(v) of the SC/ST Act and Section 4, 6, 8, 10, 14 of the POCSO Act.

3. According to the FIR, the victim who is informant of the case, alleged that the FIR named accused persons including the petitioner caught her and committed rape when she went to watch fair.



4. 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. As per statement of the victim recorded u/s 164 of the Cr.P.C., the victim stated that some unknown persons committed wrongdoings with her but she did not identify that the petitioner was one of them. The statement of victim girl does corroborates of the prosecution allegation. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 21.4.2022. Moreover, one of the co-accused Mritunjay Pandey against whom similar allegation has been made, was already granted bail by this court vide order dt. 16.5.2023 passed in Cr. Misc. No. 16532 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. 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 Patahi P.S. Case No. 83 of 2022 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-VII-cum-Special Judge
POCSO Act, Motihari District- East Champaran.

(Sunil Kumar Panwar, J)

Amandeep/-

U			
---	--	--	--

