

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43248 of 2023

Arising Out of PS. Case No.-288 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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SUDHIR DWIVEDI @ MUKUL DWIVEDI @ SUDHIR KUMAR
DWIVEDI S/O LATE SURESH DWIVEDI R/O VILLAGE- RAJEPUR
PURVI TOLA, PS. GOVINDGANJ, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mrs.Renu Kumari

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

ORAL ORDER

- 2 25-07-2023 1. 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.
2. Heard learned counsel for the petitioner and learned A.P.P. for the State.
3. The petitioner has preferred this application for grant of regular bail in connection with Govindganj P.S. Case No. 288 of 2022 dated 11.6.2022 registered for the offence punishable u/s 363, 365, 366, 366A of the Indian Penal Code and section 8 of the POCSO Act.
4. As per the prosecution case, the co-accused persons are alleged to have kidnapped the daughter of the informant for



illegal act under conspiracy.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is not named in the FIR rather his name has transpired during the course of the investigation. There is no statutory compliance of Section 53A and 164A of the Cr.P.C. The petitioner was not medically examined by the Medical Board with regard to the sexual assault. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 20.2.2023 passed in Cr. Misc. No. 55884 of 2022. The petitioner is accused in two other criminal cases as stated in para 3 of the bail petition. The petitioner is in custody since 13.6.2022.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the petitioner administered her intoxicated water and she fell unconscious and thereafter the petitioner committed sexual assault on her.

7. 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, Motihari, East Champaran in connection with Govindganj P.S. Case No. 288 of 2022 with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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