

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42488 of 2022

Arising Out of PS. Case No.-452 Year-2020 Thana- PURNEA SADAR District- Purnia

SUBODH MEHTA Son of Bindeshwari Pd. Mehta Resident of Village- Moti
Nagar , P.S.- Sadar, Distt.- Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Prasoan, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in
connection with Sadar (Muffasil) Case No. 452 of
2020, registered for the offences punishable under
Sections 376 and 511 of the Indian Penal Code and
Sections 8 & 12 of the POCSO Act.

The allegation, as per the FIR, is that when
the victim girl was sleeping in her house, the co-
accused person, namely, Mithilesh Mehta and the
petitioner had kidnapped her, whereafter the co-
accused person, namely, Mithilesh Mehta had put
vermilion on the forehead of the victim girl and
had tried to rape her but the police had arrived,
whereafter they had handed over the victim girl to
her parents while the petitioner and the main



accused person, namely, Mithilesh Mehta had been released. It is also alleged that subsequently the said accused person had arrived at the house of the victim girl and had engaged in an altercation, however, the co-villagers had arrived and saved the victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 25.04.2022. The learned counsel for the petitioner has further submitted that as far as the petitioner is concerned, he is not alleged to have either put vermilion on the forehead of the victim girl or tried to rape her but the allegation is against the co-accused person, namely, Mithilesh Mehta, who has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 17.11.2021, passed in Criminal Miscellaneous No. 23003 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Upper Additional Judge-cum-Special Judge, POCSO, Purnea in connection with Sadar (Muffasil) P.S. Case No. 452 of 2020.

(Mohit Kumar Shah, J)

S.Sb/Saurav

U		T	
---	--	---	--

