

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48339 of 2023**

Arising Out of PS. Case No.-164 Year-2023 Thana- KUDHNI District- Muzaffarpur

VIKASH KUMAR S/O RAMKARAN MAHTO R/O VILLAGE- TARSAN,
PS. KUDHANI, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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

ORAL ORDER

- 2 08-08-2023 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 Kudhani P.S. Case No. 164 of 2023 dated 11.04.2023 registered for the offences punishable u/ss 376 and 511 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act, 2012.
4. As per the prosecution case, this petitioner entered the house of the informant and tried to rape on her daughter.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing incriminating material has been recovered from the conscious possession of the petitioner. Police has submitted charge-sheet under Sections 354A, 354B and 448 of I.P.C. and Sections 8 and 12 of the POCSO Act. The age of the victim has not been assessed. There is statutory compliance of Section 164A Cr.P.C. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.04.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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, Muzaffarpur in connection with Kudhani P.S. Case No. 164 of 2023 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)

Alok Verma/-

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