

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47936 of 2023

Arising Out of PS. Case No.-48 Year-2020 Thana- CHAORI District- Bhojpur

SHUBHAM KUMAR SON OF DINESH SAO R/O-AANDHERI, P.S.-
CHOURI, DISTT.-BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Krishna, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, Addl Public Prosecutor
Ms/Mrs. Smita Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 11-10-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 376/201/120B of the Indian Penal Code and sections 8 and 10 of the POCSO Act .
3. As per the prosecution case, co-accused Rakesh Baitha took the victim to the house of co-accused Ashok Kahar and committed sexual assault with her.
4. Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR nor his name has been disclosed either by co-accused or witnesses. The victim in her 164 Cr.P.C. statement has only alleged that this petitioner was present at the time of occurrence. However she has not alleged any wrong or any overt act committed by the



petitioner. Petitioner claims clean antecedent.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the fact that the petitioner is neither named in the FIR nor he has been named by the victim in her section 164 CrPC statement, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI cum Special Judge, POCSO Act Bhojpur at Ara in Chouri Police Station Case No. 48 of 2020, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

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

