

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48160 of 2023**

Arising Out of PS. Case No.-102 Year-2023 Thana- NAUTAN District- West Champaran

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DHIRAJ SAH SON OF BHULOTAN SAH R/O-SHYAMPUR KOTHAHA,
P.S.-NAUTAN, DISTT.-WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the informant	:	Ms. Preeti Kumar, Advocate
	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP

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

ORAL ORDER

2 08-08-2023 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, learned counsel for the informant and learned A.P.P for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with Nautan P.S Case No. 102 of 2023 dated 23.03.2023 registered for the offence punishable u/s 5 and 6 of the POCSO Act, and 3(i)(r), 3(i)(s)(iii) (xi)(xii) of the SC/ST Act.

4. As per the prosecution case, the petitioner and the co-accused person boarded on a motorcycle are alleged to have kidnapped the informant on the point of gun when she went near



her home to attend call of nature. They took her to a maze field and committed rape on her one after another and she fled away at 3:00 A.M from the said field.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel further submitted that the victim was examined by the medical officer, she opined that there is no recent sign of sexual assault. Learned counsel has further placed reliance on the judgment of the **State of Karnataka vs. F. Nataraj in Cr. Appeal No. 1439 of 2011**. Learned counsel has further submitted that the petitioner did not call abuse in the name of caste of the victim as per the FIR. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.03.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that victim is a minor girl.

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, West Champaran in connection with Nutan P.S. Case No. 102 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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