

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51025 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- RAUTA District- Purnia

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DARWESH ALAM S/o Abdul Salam @ Salam Resident of Village- Rukni
Madhapur, P.S.- Rauta, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Dheeraj Kumar,
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 376, 120(B),34 of the
Indian Penal Code and sections 4, 6 and 8 of the POCSO Act.

Prosecution case relates to commission of rape upon
the minor daughter of the informant by an unknown person
while she had gone to ease herself.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to
dirty village politics. Daughter of the informant was examined
by the doctor and he has found no sign of rape and assessed the
age of the victim girl between 18 to 20 years. On the basis of
confessional statement of co-accused Jahanaran, name of the



petitioner has come into light and then he was arrested. It is further submitted that due to previous enmity, co-accused Jahanarah has taken the name of the petitioner. Petitioner has not been put on TIP. Victim has not taken the name of the petitioner for any wrongful act in her statement recorded u/s 164 Cr.P.C. Petitioner is languishing in judicial custody since 19.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII-cum-Special Judge (POCSO), Purnea in connection with Rauta P.S. Case No. 73 of 2022.

(Sunil Kumar Panwar, J)

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