

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53585 of 2023

Arising Out of PS. Case No.-496 Year-2023 Thana- GAYA MUFASIL District- Gaya

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Kunal Dubey S/O Sri Manoj Dubey R/O Village- Kalpu Nagar Manpur, Ps.
Muffasil, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-10-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 341, 323, 354(B), 506 and 34 of the Indian Penal Code, Sections 8/12 of the POCSO Act and Section 27 of Arms Act.

3. As per allegation in the FIR, while the victim girl was sitting on her tea stall of her mother, all four named accused persons came there and with a view to commit rape picked up her in lap to take her near river side and they assaulted her as well. Then accused persons opened three round firing to kill the informant and his family members



when they tried to save the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to village politics. Nothing specific allegation has been levelled against the petitioner. Statement of the victim girl was recorded under Section 164 of the Cr.P.C. in which she denied the allegation of rape. Fardbeyan is also not supported by the statement of victim girl. Similarly situated other co-accused person has already been granted bail by this Court vide order dated. 05.09.2023 in Cr. Misc. No. 56284 of 2023. Moreover, the petitioner is languishing in judicial custody since 03.05.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mufassil P.S. Case No. 496 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 6th cum



Special Court POCSO Act, Gaya.

(Sunil Kumar Panwar, J)

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