

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53700 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- JANDAHA District- Vaishali

RAUSHAN KUMAR Son of S/o Umesh Thakur Resident of Village-Adalpur,
P.S.-Jandaha, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 376(D)/ 34 of the Indian Penal Code, Sections 4 and 12 of the POCSO Act and Section 67 of the I.T. Act.

3. As per prosecution case, in brief, is that while the daughter of the informant was going to school, co-accused Amod Ram abducted her and committed gang rape with her in collusion with this petitioner and other co-accused.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. The statement of the victim girl has recorded u/s 164 of the Cr.P.C.,



in which she does not whisper about the complicity of this petitioner, whereas she has named the co-accused Amod Ram. The name of the petitioner has come into light, on the basis of confessional statement of other co-accused, which has got no evidentiary value in the eyes of law. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 11.11.2022.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, 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 Court below in connection with Jandaha P.S. Case No. 277 of 2022.

(Sunil Kumar Panwar, J)

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