

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57757 of 2023

Arising Out of PS. Case No.-385 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Binay Kumar Gupta S/O Late Saryug Saw Village Naya Bazar Ward 31
Behind Canara Bank, Ps Kabaiya District Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ramakant Sharma
For the Opposite Party/s :	Mr. Madhura Nand Jha
For the Informant :	Mr. Ram Vinay Pd. Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 20-09-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 376, 354(A)(B)(C)(D), 506, 120(B) of the Indian Penal Code and Sections 6, 10 & 12 of the POCSO Act.

It is a case of outraging the modesty and commission of rape with the minor victim/ informant by the accused persons in connivance with this petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R. Being the owner of the Saryug Hotel where the alleged offence has been committed, he has falsely been implicated in the present case. The specific allegation



of commission of rape and outraging the modesty of victim is against co-accused Amit Kumar not against this petitioner. Nothing has been recovered from the possession of the petitioner which can be used as an evidence in the alleged offence against him. It is also submitted that petitioner is languishing in judicial custody since 25.05.2023.

Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer for Bail and submitted petitioner is also involved in commission of the offence under conspiracy.

Having heard learned counsel for the parties and taking into consideration 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 in connection with Lakhisarai P.S. Case No.385 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Court, Lakhisarai.

(Sunil Kumar Panwar, J)

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