

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58543 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MARANCHI District- Patna

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AMRITESH JHA @ BITTU KUMAR @ AMRITESH KUMAR JHA son of
Shankar Jha @ Shankar Kumar Jha Village- Pachmahla Ps- Maranchi
Pachmahla OP dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 05-12-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Section 376(D) of the Indian
Penal Code, Sections 4 and 6 of the POCSO Act and Sections
3(i)(v)(s)(w)/ 3(2)(va) of the SC/ST Act.

3. The allegation against the petitioner along with
others is of committing rape upon the informant, when she went
to attend call of nature.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. The statement of the victim recorded u/s
164 of the Cr.P.C., in which she specifically stated that the co-



accused Vikash Kumar committed rape upon her without her consent. The victim girl in her statement does not whisper about the complicity with regard to physical assault and sexual abuse/misbehave against the petitioner. There is no specific overt act against the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.04.2023.

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

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 Additional Sessions Judge-Vith-cum-Spl. Judge POCSO, Patna in connection with Maranchi P.S. Case No. 45 of 2023.

(Sunil Kumar Panwar, J)

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