

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59764 of 2023

Arising Out of PS. Case No.-28 Year-2019 Thana- KIUL District- Lakhisarai

Md. Raja @ Md. Nashim Son Of Md. Mokim Miya @ Md. Mokim Resident
Of Village- Hakimganj, Ps- Kiul Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-11-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376, 120(B), 504, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

It is a case of commission of gang rape by the petitioner and others against the informant, a minor girl. The petitioner also used to sexually exploit her earlier.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. For the alleged occurrence



of 23.02.2019, the complaint was filed on 28.02.2019 and by the order of the Court below, F.I.R was registered on 04.04.2019 but no explanation has been given regarding inordinate delay in filing the complaint. The medical report also does not corroborate the case of the prosecution. At earlier point of time, the petitioner has filed an inforamatory petition regarding pressurizing the informant's side for marriage with the informant. The informant herself has performed marriage with another person. The petitioner is languishing in custody since 12.01.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial
Magistrate, Lakhisarai in connection with Kiul P.S. Case
No. 28 of 2019.

(Sunil Kumar Panwar, J)

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