

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62843 of 2023

Arising Out of PS. Case No.-77 Year-2015 Thana- LAUKAHA District- Madhubani

VIDYANAND SAH @ VIDYANAND GUPTA @ BIDYANAND PRASAD
GUPTA son of Late Lakshman Sah village- Dhatta Ps- Laukaha Lalmaniya
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv. Mr.Ravi Prakash, Adv. Mr. Vinod Kumar, Adv.
For the Opposite Party/s	:	Mr.Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 354, 427, 504, 34 of the Indian Penal Code and Section 8 of POCSO Act.

3. Allegedly, petitioner is said to have tried to commit rape with the informant's minor daughter aged 13 years in the mango orchard. On raising alarm, when the victim's mother and brother reached there, they were assaulted by the petitioner and his family with slaps and *lathi*.

4. It is submitted by learned counsel for the petitioner



that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. Petitioner has no concern with the alleged occurrence. It is further submitted that after investigation, the police has filed charge sheet against the petitioner under Sections 341, 323 and 504 of the IPC against the petitioner after giving him the benefit of process under Section 41A of the Cr.P.C, but the learned Court below took cognizance for the offence punishable under Sections 341, 323, 504 of IPC and Section 8 of the POCSO Act against the petitioner. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as charge sheet has been filed under Sections 341, 323 and 504 of the IPC against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Court below
where the case is pending/successor Court in connection with
Laukaha (Lalmaniya) P.S. Case No. 77 of 2015, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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