

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67752 of 2023

Arising Out of PS. Case No.-254 Year-2022 Thana- ROSERA District- Samastipur

Kari Jha S/O Late Kusheshwar Jha R/O Village- Sivaisinghpur, Ps. Khanpur,
Dist. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. X D/O Mahendra Das Resident Of Jarhi Ward No. 11, Ps. Rosera, Dist. Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rosera P.S. Case No. 254 of 2022 dated 04.08.2022 registered for the offences punishable u/ss 363, 366A, 376 read with Section 34 of the Indian Penal Code and u/s 4 of the POCSO Act and u/ss 3(1)(r), 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

3. As per the prosecution case, the petitioner and the co-accused person are alleged to have married the informant's daughter to a person aged about 60 to 70 years forcibly. It is further alleged that the co-accused Murari Kumar Jha committed rape on the informant's daughter.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. The specific allegation of commission of rape is against the co-accused Murari Kumar Jha. The petitioner has been made accused in this case because he happens to be the brother-in-law (Bahnoi) of Murari Kumar Jha. The co-accused person has already been granted bail by the Coordinate Bench of this court vide order dated 07.07.2023 passed in Cr. Misc. No. 15542 of 2023. The petitioner has one criminal antecedent and he is on bail in the aforesaid case as stated in para 3 of the bail petition. The petitioner is in custody since 15.07.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Samastipur in connection with Rosera P.S. Case No. 254 of 2022.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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