

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64081 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- RAJEPUR District- East Champaran

Suresh Kumar @ Suresh Prasad @ Suresh Kumar Prasad Son Of Munni Lal
Prasad Resident Of Village- Babujurawan, Ps- Rajepur, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Rajepur P.S. Case No. 222 of 2022 instituted for the offence under
Sections 354B, 376, 34 of the Indian Penal Code and Sections 4, 6
and 8 of the POCSO Act.

As per allegation in the F.I.R., the petitioner along with
one other co-accused kidnapped the informant's minor daughter
aged about 15 years and his niece aged about 17 years at about
8.30. P.M. on 26.12.2022, while they had been out of their house
for the purpose of attending nature's call and committed wrong
with them.

It is submitted by learned counsel for the petitioner that
petitioner is innocent and committed no offence. He has been
falsely implicated in this present case. As per medical board the



victims are apparently major. It is further submitted in para 9 of the petition that both the victim girl have not whispered anything against the petitioner in their statement recorded u/s 164 of the Cr.P.C. Form perusal of the impugned order, it is apparent that there is no allegation against the petitioner is that he committed rape with the victims. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, the petitioner has surrendered on 07.08.2023 and since then he is languishing in judicial custody.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rajepur P.S. Case No. 222 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum- Special Judge POCSO, East Champaran, Motihari.

(Sunil Kumar Panwar, J)

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