

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64019 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- CHHATAUNI District- East Champaran

ARJUN KUMAR Son of Yadolal Ram @ Jadolal Ram R/v- Senuwariya Ward
No. 12, P.S.- Majhauriya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Chhatauni P.S. Case No. 100 of 2021 registered for the offence
under Sections 376 (G), 379 of the Indian Penal Code and
Section 8 of the Protection of Children from Sexual Offences
Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.09.2022.

The allegation against the petitioner is to commit rape
upon the informant alongwith co-accused Ajay Kumar.

Learned counsel appearing on behalf of the petitioner



submitted that though petitioner supported the factum of rape through her written complaint and also through her statement recorded under Section 164 of the Cr.P.C., but denied completely during the course of trial of co-accused Ajay Kumar, where she specifically submitted that as petitioner and co-accused Ajay Kumar assaulted her, for the said reason, she implicated them falsely with allegation of rape. It is also pointed out that after denial the occurrence during the trial by victim herself, keeping petitioner for any further period in custody shall not serve any purpose of justice. It is also submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, where importantly, the charge-sheet has not been submitted under Section 4 of POCSO Act as victim found married and major at the time of occurrence. It is also submitted that considering the deposition of informant/victim as PW-1 in PTr. No. 74 of 2021, the co-accused, namely, Ajay Kumar has already granted bail by learned Trial Court itself vide order dated 31.03.2022.

Learned APP, while opposing the prayer of bail fairly conceded that informant/victim completely denied the occurrence of rape while deposing before the learned Trial Court as prosecution witness.



Considering the facts and circumstances as mentioned above, as the occurrence completely denied by informant/victim during trial, let the petitioner, above named, is directed to be released on bail in connection with Chhatauni P.S. Case No. 100 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge cum Special Judge POCSO Act, Motihari, East Champaran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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