

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67761 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- MAHILA P.S. District- Samastipur

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KUNDAN KUMAR @ KUNKUN PASWAN @ KUNDAN PASWAN @
KUNGN PASWAN @ KUNAN PASWAN Son of Vinod Paswan R/o vill -
Ratwara ward no. 9, P.S. - Kalyanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Bharat Lal, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 07-12-2023 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
(Samastipur) Mahila P.S. Case No. 41 of 2023 registered for the
offence under Sections 376/341 of the Indian Penal Code and
Section 4 of POCSO Act.

3. As per the prosecution, the petitioner and one co-
accused namely Amrit Paswan, committed rape upon the victim.
The F.I.R. has been registered after a delay of total five days.
From the statement made in the F.I.R., it appears that the
informant must have suffered a lot of anti-mortem injuries and
injury in her private parts. The medical examination of the
victim was conducted by medical board but no injury has been



found and there is no sign of rape which falsifies the prosecution's case.

4. Learned counsel for the petitioner submits that the Petitioner is in custody since 23.05.2023 and there is no allegation of tampering of evidence.

5. Considering the aforesaid facts and the period of custody, this application for regular bail is allowed.

6. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-Cum-Special Court (POCSO), Samastipur in connection with (Samastipur) Mahila P.S. Case No. 41 of 2023.

(Sandeep Kumar, J)

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