

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67199 of 2023**

Arising Out of PS. Case No.-299 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

BABUDHAN @ BUA @ BABUA son of Ravishankar Yadav Village-
Makhdumpur Bara Ps- Ara Mufassil Dist- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubham Sourav

For the Opposite Party/s : Mr.Rajiv Nayan

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376(D) of the Indian Penal Code and Section 4 of the POCSO Act.

3. It is a case of gang rape. The petitioner along with other co-accused persons caught the victim/informant and three of them committed rape. One co-accused is said to have made video of the alleged incident and others were also present at the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case only on the basis that he was present at the place of occurrence while others were committing



rape with the informant/s victim. The victim girl also stated in her statement recorded u/s 164 of the Cr.P.C. that three co-accused persons namely, Manish, Bajrangi and Tunnu have committed rape with her and co-accused Mallu made a video of the incident. The victim stated about this petitioner that he was present at the place of occurrence. She did not make specific allegation of rape against this petitioner whereas the same was attributed to others. The petitioner has got no criminal antecedent and languishing in judicial custody since 13.7.2023.

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

6. Considering the facts and circumstances of the case as well as custody period 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 Ara Muffasil P.S. Case No. 299 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl Sessions Judge-VI-Cum-Special Judge, POCSO Act, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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