

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69802 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S. District- Saharsa

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Gautam Kumar, Son of Arun Mandal Resident of village - Baletha (Baraitha),
P.S.- Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 341 and 376 AB of the Indian Penal Code and Section 4,6 of the POCSO Act.

The allegation against the petitioner is of raping the minor daughter of the informant, when she went to attend nature call.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case due to village politics. He submitted that the name of the petitioner has come into light only on the basis of statement of the victim girl. He further submitted that the victim has stated in her statement recorded under Section 164 of the



Cr.P.C., that she is aged about 10 years and accepted the commission of rape but was not taken the name of this petitioner. There is no eye-witness and nobody had seen that the petitioner raped with the victim girl. The petitioner has no criminal antecedent as mentioned in para-3 of the bail application. It is also submitted that petitioner is languishing in judicial custody since 19.04.2022.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Saharsa Mahila P.S. Case No. 21 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum- Special Judge, POCSO Act, Saharsa.

(Sunil Kumar Panwar, J)

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