

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72704 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- JHANJHARPUR District- Madhubani

Sunil Bhandari @ Sunil Kumar Bhandari S/O Late Gulab Bhandari R/O
Village- Chaura Maharail, P.S.- Jhanjharpur, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 06-04-2023 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner has filed the instant application for grant of regular bail in connection with Jhanjharpur P.S. Case No. 189 of 2021 registered under sections 323, 363, 365, 366A, 376(D), 328, 509, 511 and 34 of the Indian Penal Code and Sections 8/12 of POCSO Act.

Allegation against the co-accused persons including this petitioner is that they abducted the minor daughter of the informant and thereafter threw her in an unconscious condition. The informant raised a suspicion that some illegal act might have been committed with the minor daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. It is submitted that the informant is not the eye witness of the alleged occurrence. Moreover, for the alleged occurrence of 13.08.2021, F.I.R. has been registered on 16.08.2021 which creates doubt about the genuineness of the alleged occurrence. The victim was examined by the Medical Board and her age was assessed as 19 years and there was no medical evidence of sexual assault and also no any external injuries were present over her body. The statement of the victim was recorded under Sections 161 as well as 164 of the Cr.P.C., in which she has not stated about any physical wrong committed by the petitioner or other co-accused persons with her and Medical Report has also not supported the prosecution case of commission of rape. It is further submitted that the petitioner is languishing in judicial custody since 31.08.2022.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Jhunjharpur



P.S. Case No. 189 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 the learned Additional Sessions Judge VII-cum-Special Judge POCSO, Madhubani.

(Sunil Kumar Panwar, J)

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