

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.74970 of 2022**

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Saharsa

Md. Esrail S/O Late Md. Masid R/O Ward No. 3 Of Mahua Patti Uttarbari  
Mahua Bazar, P.S.- Basnahi, Distt- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi W/o Pappu Sada R/o Village- Mahua Bazar, Ward no. 3, P.S.-  
Basnahi, Distt- Saharsa.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Singh  
For the Opposite Party/s : Mr.Sadanand Paswan

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
ORAL ORDER

2      05-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code, Section 4 and 6 of POCSO Act and Sections 3(i) (r) (s) 3 (I) (w) (I) (ii) 3 (2) (va) of SC/ST Act.

Petitioner along with other accused persons are said to have committed rape upon the daughter of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is specific allegation against the co-accused Sarfaraj who committed rape upon the victim. He submits that petitioner is not named in the FIR and his name has been come during course of investigation. He submits that there



is no specific overt act against the petitioner. He submits that similarly situated co-accused has already been granted bail by coordinate Bench of this Court vide order dated 18.10.2022 passed in Cr. Misc. No. 27726 of 2022 and vide order dated 19.10.2022 passed in Cr. Misc. No. 39423 of 2022. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with POCSO Case No. 33 of 2022 arising out of Saharsa Mahila P.S. Case No. 13 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

devendra/-

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