

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75378 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

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1. Prem Kumar Tiwari Son of Late Kashi Nath Tiwari Resident of Village- Manik Parashi, P.S.- Karakat, District- Rohtas
 2. Sushil Tiwari Son of Late Kashi Nath Tiwari Resident of Village- Manik Parashi, P.S.- Karakat, District- Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Sharma Son of Late Ramji Sharma Resident of Village- Manik Parashi, P.S.- Karakat, District- Rohtas

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 1014 of 2023

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

Lalan Tiwari @ Lalan Tiwary S/o Late Brahmeshwar Tiwari R/o Village- Manik Parasi, P.S.- Karakat, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pawan Sharma S/o Late Ramji Sharma R/o Village- Manik Parasi, P.S.- Karakat, District-Rohtas

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75378 of 2022)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

(In CRIMINAL MISCELLANEOUS No. 1014 of 2023)

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek regular bail in connection with



Karakat P.S. Case No. 119 of 2022 registered for the offence under Sections 363, 366A of the Indian Penal Code and Section 12 of POCSO Act.

As per FIR the prosecution case, in brief, is that the opposite party no.2 namely, Pawan Sharma (informant) is a labour and his wife had died during Covid-19 period and he has three children. His daughter aged about 13 years is working in the house of Rahila Kuwar but she did not pay for work of his daughter. It is further alleged that Rahila Kuwar has three sons namely Prem Kumar, Sushil Tiwary and Arjun Tiwary, who have sold his daughter and when the informant inquired about the same, they abused and assaulted him. The informant has strong suspicion that his daughter was sexually assaulted by the sons of Rahila Kuwar.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. As per statement recorded by the victim girl u/s 164 of Cr.P.C. wherein she has not whispered about the complicity of the petitioners no.1 and 2 whereas she has disclosed the name of sons of Rahila Kuwar namely Arjun Tiwari and Lalan Tiwari and two others who committed wrong with her in presence of Rahila Kunwar and



thereafter they sold out her in Dehri to one Sarbaz Ansari. It is further submitted that the petitioner No. 1 and 2 are languishing in judicial custody since 04.08.2022 and petitioner namely Lalan Tiwari is languishing in judicial custody since 22.10.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that submitted that police has recovered the victim girl and in her statement recorded u/s 164 of Cr.P.C., she has made direct allegation of rape against the petitioner namely Lalan Tiwari.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioners, this court is inclined to enlarge the above named petitioner nos. 1 & 2 namely Prem Kumar Tiwari and Sushil Tiwari are directed to be released on bail in connection with Karakat P.S. Case No. 119 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Exclusive Special Judge, POCSO, Rohtas at Sasaram.

So far as petitioner namely, Lalan Tiwari (in Cr Misc No. 1014 of 2023) is concerned, there is direct allegation of



committing rape against him with the victim, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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