

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11886 of 2024

Arising Out of PS. Case No.-584 Year-2023 Thana- MUFFASIL District- West Champaran

Sujit Kumar S/o- Surendra Sah Village- Godawa Tola ward no 37, Ps- Bettiah
Muffasil Dist- West Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

For the Informant : Mr. Swarna Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 25-04-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks regular bail in a case registered for the offence under Section 376 / 34 of the IPC and Sections 6 and 8 of the POCSO Act.

3. As per the prosecution case, the allegation against the petitioner is that he alongwith other co-accused persons committed rape of informant and her sister.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner is in custody since 16.09.2023.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR, case diary and impugned order dated 03.01.2024, it appears that on the basis of written report dated 05.09.2023 FIR was registered against two accused persons including



the present petitioner. Offence against the petitioner regarding rape and sexual assault of victim on 29.08.2023 about 4 A.M. but FIR was lodged on 05.09.2023 i.e. about 8 days delay. No specific was reason given for the aforesaid delay in lodging of FIR and also on perusal of the information report and case diary, one co-accused Sonu Kumar was murdered by other person, regarding which FIR was registered against unknown person. Aforesaid murder of Sonu Kumar found to be true after conclusion of police investigation against Ayush Patel and Gautam Patel as stated in para 8 of the bail petition.

7. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - VI - cum Special Judge - POCSO, Bettiah, District - West Champaran in connection with Bettiah Muffasil Police Station Case No. 584 of 2023.

(Ramesh Chand Malviya, J)

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