

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19434 of 2024

Arising Out of PS. Case No.-51 Year-2023 Thana- UPHARA District- Aurangabad

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1. Devan Chaudhary Son of Late Sita Chaudhary Residing at Village- Hamid Nagar, P.S.- Uphara, Dist.- Aurangabad (Bihar)
 2. Satnarayan Chaudhary Son of Late Sita Chaudhary Residing at Village- Hamid Nagar, P.S.- Uphara, Dist.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Uphara P.S. Case No. 51 of 2023 instituted for the offences punishable under Sections 341,323,504,354A,363/34 of the Indian Penal Code and Section 8 of the POSCO Act.

3. As per the prosecution case, petitioners and other co-accused persons pulled the victim with an intention to molest her and kidnapped her to assault and kill the victim.

4. Learned counsel for the petitioners submits that the petitioner are innocent have committed no offence and have falsely been implicated in this case. Petitioners and informant are *Gotiyas*. Petitioners are in custody since 13.10.2023. Similarly situated co-accused persons have already been granted



bail by this Court in Cr. Misc. No. 14234 of 2024 and 13163 of 2024 vide orders dated 04.03.2024 and 18.03.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-VIth-cum-Exclusive Special Judge, POCSO Act, Aurangabad, Bihar dated 13.12.2023, it appears that petitioners is named in the FIR. Petitioner is the *Gotiyas* of the informant and has stated that the victim is cousin sister and there is no any sexual assault upon the victim, accordingly the prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-VI-cum-Exclusive Special POCSO Act, Aurangabad, Bihar in connection with Uphara P.S. Case No. 51 of 2023.

(Ramesh Chand Malviya, J)

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