

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19625 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- GORAUL District- Vaishali

Md. Shaukat S/O- Md. Kalam R/O- Permanent Resident Of House No.- 12,
Ward No.- 05, Nh- 07 Rewa Road, Hanumana, Rewa, Madhya Pradesh-
486335 Currently Residing At Village- Mansoorpur, Halaiya, P.S.- Goraul
(KATHARA O.P.) Dist.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP
For the Informant/s	:	Mr. Amar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State as well as learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Goraul (Kathara O.P.) in connection with P.S. Case No. 148 of 2023 dated 16.04.2023 registered for the offence punishable u/ss 341, 323, 354B, 376, 504 and 506 of the Indian Penal Code and Section 8 and 12 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have forcibly established physical relationship with the informant's daughter and threatened her that if she would inform about this incident to her family, he would kill her and disappear



her body.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There was love affair between the parties. Both the parties chose to have physical relationship of their own will. The informant is a lady who knew the consequence of the act of the petitioner. The victim in her statement recorded u/s 164 of the Cr.P.C has not made any allegation with regard to rape and molestation against the petitioner. Learned counsel has submitted that the victim herself refused to be examined medically. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.01.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Hajipur at Vaishali in connection with Goraul



(Kathara O.P.) P.S. Case No. 148 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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