

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19593 of 2024

Arising Out of PS. Case No.-585 Year-2023 Thana- GAYA KOTWALI District- Gaya

Mukul Kumar @ Mukesh Kumar, aged about 35 years, Gender-Male, Son of Alakhdeo Narayan, Resident Of Village- Ramdhanpur, Bangla Asthan, P.S.- Kotwali, Dist- Gaya.

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Devi, Wife Of Arun Prasad, Resident Of Village- Ramdhanpur, Bangla Asthan, P.S.- Kotwali, Dist- Gaya.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Mrigendra Kumar, Advocate
For the Opposite Parties	:	Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 19-06-2024 This matter has been listed under the heading “For Orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Kotwali P.S. Case No. 585 of 2023 dated 28.09.2023 registered for the offences punishable under Sections 342, 354B, 376, 511/34 of the I.P.C. and Sections 8/12 of the POCSO Act.

4. As per the prosecution case, on 28.09.2023 at about 8.00 A.M. the minor daughter of the informant went to the coaching. When she reached the coaching, she came to know that the coaching is closed, she proceeded to her home, in the



midst at gali situated in Ramdhanpur, the co-accused Lalan Prasad Prajapati caught her forcibly and took her to a nearby room situated his house where the petitioner was already there and thereafter both have tried to commit rape on her but anyhow, she succeeded to flee away.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case at the behest of Shreya Didi who disclosed the name of the petitioner and the co-accused before the victim. It is further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C., categorically stated that she was subjected to sexual harassment but simultaneously she has stated that nothing untowards has done by them and further she came to know about the name of the culprits from Shreya Didi although the said Shreya Didi was not present on the spot. It is further submitted that both parties are residents of the same mohalla. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 29.09.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. 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 Special Judge, POCSO Court-cum-Additional District and Sessions Judge-VI, Gaya in connection with Kotwali P.S. Case No. 585 of 2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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