

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21332 of 2024

Arising Out of PS. Case No.-732 Year-2023 Thana- MASAUDHI District- Patna

1. Sanjay Kumar S/O Dinesh Ravidas R/O Village- Jalalpur, P.S- Dhanarua, Distt.- Patna.
2. Dhiraj Kumar S/O Shatrudhan Ravidas R/O Village- Nahwan, P.S- Masaurhi, Distt.- Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Special Case (POCSO) No.274 of 2023 arising out of Masaurhi P.S. Case No.732 of 2022 lodged under Sections 341, 323, 448, 504, 506/34, 376, 511 of the I.P.C. read with sections 8 & 12 of the POCSO Act.

3. As per the prosecution case, the F.I.R. has been lodged against three named accused persons including the present petitioners with allegation that they have entered into the house of the informant at night on 11.10.2023 and try to rape her. Upon oppose, they have torn her clothes and tried to take



naked picture of the informant. Upon her cry, the persons of the locality came and thereafter, they have fled away from the place of occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the contents of F.I.R., it become crystal clear that the informant is a major and at the night, when the accused reached there, she has not opposed them.

5. Counsel further submits that the date of occurrence, is on 11.10.2023 and F.I.R. has been lodged on 14.10.2023 which itself disclosed that the entire F.I.R. has been lodged with ulterior motives.

6. Counsel for the petitioners submits that the petitioners are in custody since 15.10.2023 having clean antecedent and charge-sheet has already been filed in this case.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each



to the satisfaction of learned Additional District & Sessions Judge-VII-cum- Exclusive Special Court (POCSO Act), Patna in connection with Special Case (POCSO) No.274 of 2023 arising out of Masaurhi P.S. Case No.732 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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