

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21549 of 2024

Arising Out of PS. Case No.-108 Year-2023 Thana- BUDHUCHAK District- Bhagalpur

Amit Kumar SON OF BHOLI SAHNI @ MOCHI SAHNI @ BHOCHI
SAHNI RESIDENT OF VILLAGE- KACHHARIYA, PS- BUDHUCHAK,
DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 02-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Budhuchak P.S. Case No. 108 of 2023, registered for the offences punishable under Sections 376/511 of the Indian Penal Code as well as Section 4, 8, 18, of POCSO Act.

3. As per allegation, the granddaughter of the informant had gone to supply food to her grandfather at his shop. In the meantime, the petitioner having seen her alone, took her in the room of the shop and attempted to commit rape upon her.

4. Learned counsel for the petitioner has submitted that the statement of the informant in *fardbeyan* is contrary to the statement of the victim recorded under Section 164 of the CrPC.



The informant says that the petitioner attempted to commit rape but the victim states in her statement under Section 164 of CrPC that he caught hold of her hand. His further submission is that the petitioner is under custody for near about 10 months.

5. On the other hand, learned counsel for the informant has submitted that witnesses in paragraph nos. 4, 11 and 12 have supported the occurrence.

6. Considering the above-mentioned facts and circumstances and also considering the period of custody, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO) cum-VIIIth Additional District and Sessions Judge, Bihar in connection with Budhuchak P.S. Case No. 108 of 2023, subject to the following condition:-

The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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