

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27790 of 2024

Arising Out of PS. Case No.-43 Year-2023 Thana- ARWAL MAHILA District- Jehanabad

Nirankar Kumar @ Guddu Son of Late Parshuram Singh Resident of Village-
Arwal Sipha, P.S.- Arwal, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 30-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Arwal Special POCSO Case No. 122 of 2023 arising out of Arwal (M) P.S. case No. 43 of 2023 instituted for the offences under Sections 376, 511, 354, 354A, 354B, 341, 323, 504, 506 of the Indian Penal Code and Sections 8 and 12 of the POCSO Act.

3. Prosecution case, in short, is that on the alleged date and time of occurrence, the petitioner had done wrongful act with the daughter of the informant.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. He further submitted that petitioner is the father of the victim. He



further submitted that no occurrence as alleged in the FIR took place. Learned counsel further submitted that victim herself has been declared hostile. He further submitted that in the trial, three witnesses have not supported the case of the prosecution. He further submitted that informant who is the wife of the petitioner lodged this false case only to save her skin and to pressurize the petitioner to withdraw the Arwal P.S. Case No. 399 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.10.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. The informant of this case has appeared personally and stated before this Court that earlier, one case was filed by this petitioner against the informant and her mother and her daughters Puja Kumari and Priya Kumari, bearing Arwal P.S. Case No. 399 of 2023. The informant further stated that she filed the present case in retaliation to the said case (i.e. Arwal P.S. Case No. 399 of 2023).

7. Considering the aforesaid facts and circumstances of the case and the fact that three witnesses have not supported the case of the prosecution, submissions canvassed by the informant herself as also the period of custody undergone by the



petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Arwal Special POCSO Case No. 122 of 2023 arising out of Arwal (M) P.S. case No. 43 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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