

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30858 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- RAFIGANJ District- Aurangabad

Chandan Kumar R/O - Vill- Atrauli Tola Prem Bigha, Po - Obra Distt-
Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Xxx D/O Yyy R/O - Vill- Atrauli Tola Prem Bigha, Po - Obra Distt-
Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhuresh Singh, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Rafiganj
P.S. Case No. 405 of 2023 dated 09.09.2023 registered for the
offence punishable under Sections 341, 323, 342, 376, 506/34
of the Indian Penal Code and under Section 4 of the POCSO
Act, 2012.

3. The prosecution case, in short, is that on 08.09.2023 at
about 03.30 pm, the co-accused persons along with Chandan
Kumar (petitioner) started fighting with the informant and her
father, due to which the informant sustained grievous injury in
her head. It is alleged that two and half years ago, the petitioner



lured her on the pretext of educating and marrying the informant and kidnapped her as well as sexually exploited her and also threatened to kill her.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the present case has been lodged 2 ½ years after the marriage of victim without any plausible explanation of delay in filing the said F.I.R.. It is submitted that in the Admit Card of matric examination of the informant, the registration number/year mentioned is of the year 2020 i.e. much after the date of incident as stated by the victim. The above documents clearly falsify the allegations of the informant levelled against the petitioner. This false case has been lodged at the behest of husband of the victim, namely, Bittu Kumar. It is submitted that other five accused persons have been granted bail *vide* order dated 20.02.2024 passed in Criminal Miscellaneous No. 9326 of 2024 by this Court. Lastly, it has been submitted that the petitioner is in custody since 10.09.2023, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VIth-cum-Exclusive Spl. Judge, POCSO Act, Aurangabad in connection with Rafiganj P.S. Case No. 405 of 2023.

(Khatim Reza, J)

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