

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39128 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- SIRDALA District- Nawada

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Budhan Kumar @ Raushan Kumar Son of Ganesh Prasad Yadav Resident of
village - Amhadi, P.S.- Sirdala, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Mahendra Rajvanshi R/V- Ahmadi,P.S.- Sirdala, Distt.-
Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Ms. Usha Kumari 1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr. Krishna Deo Raj, learned counsel for

the petitioner and Ms. Usha Kumari 1, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.03.2024 in connection with Sirdala P.S. Case No. 128 of
2024, F.I.R. dated 22.03.2024 for the offences punishable under
Sections 341, 342, 354B/34 of the Indian Penal Code, Section 8
of the POCSO Act and Section 3(1)(r)(s)(w), 3(2) (va) of SC/ST
(POA) Act.

3. According to prosecution case, all the accused
persons including this petitioner have tried to outrage the
modesty of the daughter of the informant by undressing her and



making video of her.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to dirty village politics. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R. that the allegation is against the co-accused persons including this petitioner.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner along with other accused persons have outraged her modesty and also made video of the occurrence. He further submits that it appears from the F.I.R. that there is direct and specific allegation against the petitioner and the victim was minor at the time of the occurrence.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Sirdala P.S. Case No. 128 of 2024 pending in the court of learned Additional District & Sessions Judge-VI cum Special



Judge (POCSO Act), Nawada.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Vanisha/-

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