

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41937 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- SARAIYA District- Muzaffarpur

Ashok Ray Son of Sukul Rai @ Shukun Ray R/O Village- Gopalpur, Neura,
P.O.- Gopalpur Neura, P.S.- Paroo, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Mintu Devi Wife of Lalbabu Paswan R/O Vill.- Atrauliya, P.O.- Gopalpur
Neura, P.S.- Saraiya, Dist.- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

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

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

ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376D of the Indian Penal Code.

3. As per prosecution case, the petitioner as well as co-accused are said to have committed rape upon the victim who is informant of this case. They also threatened the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The alleged date of occurrence is 2.6.2023 whereas the FIR was lodged on 6.6.2023, after four days of occurrence without explaining the reason of delay. The



victim is major and married lady who implicated the petitioner in false and fabricated case. There is land dispute between the parties. It has also been submitted that the victim/informant denied for medical examination which creates doubt on authenticity of the prosecution. He has also submitted that co-accused Mukesh Kumar has been granted bail by a coordinate Bench of this Court in Cr. Misc. No. 75351 of 2023.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as the fact that co-accused Mukesh Kumar has been granted bail by a coordinate Bench of this Court, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saraiya P.S. Case No. 345 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court, POCSO-3, Muzaffarpur.

(Nawneet Kumar Pandey, J)

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