

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55831 of 2024

Arising Out of PS. Case No.-107 Year-2024 Thana- KOTWA District- East Champaran

Pandit Raushan, aged about 25 years, Gender-Male, Son of Lalu Prasad Yadav @ Lalu Ray, Resident of Village- Chitriya P.S. -Kotwa, District- East champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Punam Kumari D/O- Ragho Prasad Yadav R/V- Village- Chitriya, P.S.- Katwa, Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2024 Heard Mr. Priyesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kotwa P.S. Case No. 107 of 2024, registered for the offence punishable under Sections 376 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. On the basis of fardbeyan of the victim, the present FIR has been instituted alleging therein that the petitioner has committed wrong with the victim.



4. Learned counsel appearing on behalf of the petitioner, on the basis of instruction, submitted that the victim was in relationship with the petitioner and due to pressure of the family members of the victim, the petitioner has been implicated in a false case. Learned counsel further submitted that specific statement has been made in paragraph no. 9 of the bail application that the victim, in her statement recorded under Section 164 Cr.P.C., has not supported the allegation that petitioner has forcibly committed wrong with her. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the allegation against the petitioner is that of committing wrong with the victim, I am not inclined to enlarge the petitioner on pre-arrest bail.

7. However, the petitioner, if so advised, may surrender before the learned District Court and file regular bail application and the learned District Court is directed to consider the regular bail application of the petitioner on the basis of material, which has come in course of investigation, as well as, the statement of the victim recorded under Section 164 Cr.P.C.



and dispose of the same in accordance with law, same day.

8. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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