

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28012 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Bajrangi @ Bajrangi Kumar Yadav @ Jai Bajrang Kumar, Son of Nath Narayan Yadav, Resident of Village- Bara, P.S.- Ara Muffasil, District- Bhojpur Petitioner/s

Versus

1. The State of Bihar Patna
 2. X Daughter of Md. Rafiq Resident of Matiyara, P.S.- Koilwar, District- Bhojpur
- Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64095 of 2024

Arising Out of PS. Case No.-299 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Manish Kumar, Son of Late Ram Babu Yadav village- Mahakampur Bara, P.S.- Ara (M), District- Bhojpur Petitioner/s

Versus

1. The State of Bihar
 2. Naushia Khatoon, Daughter of Md. Rafique, Village- Matiyara, P.S.- Koilwar, District- Bhojpur (Ara)
- Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 28012 of 2024)

For the Petitioner/s : Ms. Shweta, Advocate
Mr. Pranjal Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 64095 of 2024)

For the Petitioner/s : Mrs. Malti Kumari, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

9 06-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with
Ara Muffasil P.S. Case No. 299 of 2023 for the offence
registered under Sections 376(D) of the I.P.C. and Section 4 of
the POCSO Act.

3. As per prosecution case, the petitioner along with



the other accused persons assaulted the friend of the victim (informant) and committed rape upon her while she was coming back to her house from tuition.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case only on the basis of suspicion as no such occurrence has taken place as alleged by the prosecution. The informant in her *fardbeyan* named accused persons on the basis of their conversation by names. Learned counsel further submits that in her statement before the trial Court the victim admitted that the alleged occurrence had not taken place with her and her statement under Section 164 Cr.P.C. was recorded on the instigation of her friend, Md. Imran. The medical report shows that there is no direct evidence of rape. Both the petitioners have one criminal antecedent in which they are on bail. Petitioners are in jail custody since 22.12.2023 and 21.12.2023 respectively. Petitioners undertake to cooperate in the trial of the present.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.

6. Considering the submissions on behalf of the parties and the facts and circumstances of the case, let the petitioners, named above, be enlarged on bail



on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in Ara (Muffasil) P.S. Case No. 299 of 2023.

(Sunil Dutta Mishra, J)

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