

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70177 of 2023

Arising Out of PS. Case No.-796 Year-2022 Thana- GAURICHAK District- Patna

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Raja Kumar Son of Vijay Yadav Resident of Village- Bibipur, Ps- Gaurichak,
Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 27-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Gaurichak P.S. Case No. 796/2022 registered for the offences punishable under Sections 341, 323, 377, 511, 504, 506 and 34 of the Indian Penal Code.
3. The allegation against this petitioner is to made an attempt to commit carnal intercourse upon the son of informant, aged about ten years.
4. Learned counsel appearing on behalf of the



petitioner submitted that occurrence arises out of disputes, which was surfaced during playing with ball with younger brother of petitioner. It is submitted that though a clear cut allegation regarding “sexual intent” as to commit carnal intercourse was raised through FIR, where the information was gathered from victim itself, but from the perusal of Para-34 of case diary, no such intention appears available where statement of victim appears recorded. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances as sexual intent to commit carnal intercourse, is *prima facie* not available from statement of victim, coupled with the fact that petitioner is a man of clean antecedent, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, VI Patna City/concerned Court, where the case is pending in connection with Gaurichak P.S. Case No. 796 of



2022, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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