

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68609 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- BANDEYA District- Aurangabad

Satyam Kumar Son Of Jitendra Paswan Resident Of Village - Malhad, P.S. -
Bendeya, District - Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 73598 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- BANDEYA District- Aurangabad

Pintu Kumar Son Of Late Shiv Kumar Paswan Resident Of Village - Ghotia,
P.S. - Bandeya, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 68609 of 2023)

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Satyendra Prasad

(In CRIMINAL MISCELLANEOUS No. 73598 of 2023)

For the Petitioner/s : Mr.Santosh Kumar Pandey

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-01-2024 Heard learned counsel for the petitioners,

informant and learned APP for the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 341, 342, 323, 504, 376 of the Indian Penal

Code and Sections 4, 6, 17 of the POCSO Act.



It is a case of commission of rape by petitioner Pintu Kumar whereas it is alleged against petitioner Satyam Kumar that he was the companion of accused petitioner/Pintu Kumar.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The informant has specifically alleged in the F.I.R that petitioner/Pintu Kumar committed rape upon her but in her 164 Cr.PC statement, she has alleged that petitioner/Pintu Kumar torn her clothes and made an attempt to commit rape upon her, but on her *hulla*, other villagers came and saved her, which is contradictory to the allegation levelled against petitioner/Pintu Kumar in the F.I.R. Moreover, for the alleged occurrence of 30.05.2023, the F.I.R was registered on 04.06.2023 without explaining the delay. The victim denied to have any medical examination, hence her age could not be determined. The petitioners are languishing in custody since



25.07.2023 and 22.07.2023 respectively. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Bandeya P.S. Case No. 37 of 2023.

(Sunil Kumar Panwar, J)

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