

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81862 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- MUSAHARI District- Muzaffarpur

CHHOTU KUMAR @ CHHOTU SAHNI S/o Shriram Sahni R/o village-
Musahari @ Radhanagar, P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Mushahari P.S. Case No.49 of 2023 lodged under Section 376 of
the I.P.C. read with section 4 POCSO Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the sole petitioner against whom there is
allegation that he has committed rape with the informant's
daughter in the night and thereafter on the next morning, the
daughter of the informant has disclosed the event to her mother
and subsequently, the F.I.R. has been lodged.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that there are certain points which are in favour of the petitioner



and creates doubt on the entire prosecution story. The first point which the counsel for the petitioner submits that the date of occurrence is of 23.02.2023 whereas the F.I.R. has been lodged on 26.02.2023.

5. Counsel further submits that for the prove of the age, a certificate has been attached with the F.I.R. which has been issued on 27.02.2023, but the said certificate has attached in the F.I.R. dated 26.02.2023.

6. Counsel further submits that the offence as per her statement under section 164 of Cr.P.C., the offence under section 376 of I.P.C. has not been made out due to the reason that the alleged petitioner has tied up her both leg and hands and only touched her body.

7. Counsel for the petitioner submits that petitioner is in custody since 02.08.2023 having clean antecedent. He also submits that the informant and accused person are resident of same village and due to dirty village politics, with a view to teach him lesson to the petitioner, the present F.I.R. has been lodged.

8. Learned counsel for the State opposes the prayer for bail.

9. In the present facts and circumstances of this case



and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge 6th cum Special Judge POCSO, 1, Muzaffarpur in connection with Mushahari P.S. Case No.49 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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