

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84485 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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Devendra Kumar @ Devendra Kumar Sah Son of Hari Kishor Sah, R/o
Village- Kundwa Chainpur, P.S.- Kundwa Chainpur, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Dinesh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 19-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with
Kundwa Chainpur P.S. Case No.21 of 2021, registered for the
offences punishable under Sections 149, 342, 450, 376(DB),
302, 201, 120(B) of the Indian Penal Code and under Section
4/5 of the Protection of Children from Sexual Offences Act
(POCSO Act).

3. As per the prosecution case, the daughter of the
informant was killed after gang rape by the accused persons
including the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case due to ulterior motive and on the basis of suspicion only. He further submits that there is inordinate delay of about 12 days in lodging the F.I.R. without any plausible explanation. He also submits that there is no eye witness to the alleged occurrence and the allegations are only based on suspicion. Learned counsel submits that except this petitioner all the other co-accused persons have been granted bail by the Co-ordinate Benches of this Court. He further submits that petitioner has one criminal antecedent in which he is on bail and he is in custody since 17.08.2023. He also submits that the charge sheet has already been submitted in this case and there is no chance of absconding the petitioner or tampering with the evidence by him.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarahnna at Dhaka, East



Champaran in connection with Kundwa Chainpur P.S. Case
No.21 of 2021.

(Sunil Dutta Mishra, J)

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