

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 3681 of 2024**

Arising Out of PS. Case No.-530 Year-2023 Thana- CHHATAUNI District- East Champaran

Devanand Kumar Son Of Chandrika Prasad Yadav @ Chandrika Prasad Rai  
R/O Village- Bhadhar, P.S.- Chiriya, District- East Champaran.

... .. Petitioner/s

Versus

## The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Satya Nand Shukla

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      21-03-2024      Heard learned counsel for the petitioner, informant  
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 376, 120B of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. The allegation against the petitioner is that he made physical relation with the informant on the false pretext of marriage.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has



committed no offence. The victim girl has given contradictory statement, in written application for lodging the FIR she stated that she well acquainted with the petitioner since one year and they fall in love with each other and at the instance of solemnization of marriage, he made physical relationship with her in *contra*, her statement recorded u/s 164 of the Cr.P.C., she stated that the petitioner abducted her and taken her in a room thereafter, committed rape upon her. There is no medical report which shows that the petitioner made physical relation with the victim. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 25.10.2023.

5. The application for bail is opposed by learned APP for the State, learned counsel for the informant and submitted that victim is a minor girl and this petitioner made physical relation with her.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two



sureties of the like amount each to the satisfaction of the learned  
6<sup>th</sup> Additional Sessions Judge-cum-Special Judge, POCSO,  
Motihari, East Champaran in connection with Chhatauni P.S.  
Case No. 530 of 2023.

**(Sunil Kumar Panwar, J)**

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