

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.750 of 2025

Arising Out of PS. Case No.-299 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

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Tunu Ray @ Tunnu Kumar @ Tunu Kumar Yadav, Son of Sri Ram Chandra Ray, Resident of Village - Mahakampur Bara, P.S. - Ara Mufassil, District - Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nausiya Khatoon, Daughter of Mohamad Rafik, Resident of Village - Matiara, P.S. - Koilwar, District - Bhojpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Bans Roy, Advocate
For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Ara Muffasil P.S. Case No. 299 of 2023 registered for the offence punishable under Sections 376 (D) of the Indian Penal Code and Section 4 of POCSO Act.

3. As per prosecution case, the petitioner along with the other accused persons assaulted the friend of the victim (informant) and committed rape upon her while she was coming back to her house from tuition.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the



present case only on the basis of suspicion as no such occurrence has taken place as alleged by the prosecution. The informant in her *fardbeyan* named accused persons on the basis of their conversation by names.

5. Learned counsel further submits that in her statement before the trial Court, the victim admitted that the alleged occurrence had not taken place with her and her statement under Section 164 Cr.P.C. was recorded on the instigation of her friend, Md. Imran. The medical report shows that there is no direct evidence of rape. He further submits that the similarly situated co-accused has already granted regular bail by this Court vide order dated 06.12.2024 passed in Cr. Misc. No. 28012 of 2024. Petitioner is in jail custody since 13.7.2023, having no criminal antecedent. Petitioners undertake to cooperate in the trial of the present.

6. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

7. Considering the submissions on behalf of the parties and the facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



concerned court below in Ara (Muffasil) P.S. Case No. 299 of
2023.

(Sunil Dutta Mishra, J)

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