

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71865 of 2023**

Arising Out of PS. Case No.-412 Year-2023 Thana- PIRBAHOR District- Patna

1. Kumar Anurag @ Anurag Gupta S/O Lakhan Das R/O Saray Gola Kathpool, Post- Madhopur, P.S- Rani Patra, Distt.- Purnia, Present Resident Of Kairitola, P.S- Agamkua, Distt.- Patna.
2. Suarav @ Kumar Saurav S/O Sachchidanand R/O Village- Sakari Gali, P.S- Alamganj, Distt.- Patna.
3. Md. Mehfooz S/O Md. Miraj R/O Village- Sakari Gali Toli, P.S- Alamganj, Distt.- Patna.
4. Md. Ahmad @ Sunny S/O Md. Aftab R/O Village- Sakari Gali Toli, P.S- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dristi Kumari D/O Rajesh Kumar R/O Sakari Gali, Allah Buxpur, Near Ram Janki Thakurbari Mandir, P.S- Alamganj, Distt.- Patna.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Fakhruddin Ali Ahmad  
For the Opposite Party/s : Mr.Renu Kumari

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

3      31-01-2024                      Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Section 376(D) of the Indian Penal Code and Section 4 and 6 of the POCSO Act.

3. As per prosecution case, the allegation against the petitioners is that on 01.06.2023 at about 6 A.M. when the victim girl aged about 16 years without telling anyone, came out of her house through window and reached at B.N.R. Road, Pattori Ghat



called upon the Anurag Gupta on mobile No. 9334555451 by someone's mobile then all the four petitioners came there and took her to a Hotel situated at G.M. Road where in a room they committed rape on her person one by one. It is further alleged that on 03.06.2023 in another hotel of G.M. Road petitioner Md. Mehfooz and Sunny again committed rape with her. It is further alleged that anyhow she came to Gandhi Maidan where after taking mobile of someone phoned her friend Rohit Kumar on his mobile who reached there and gave information to her house from where her sister and mother came and took her to house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There is major contradiction between the prosecution case and statement of victim recorded 164 of the Cr.P.C. As per prosecution case, the allegation against the petitioners is that they have committed rape on minor victim/informant aged about 16 years but she gave contradictory statement u/s 164 of the Cr.P.C. wherein she has not supported the prosecution case and she has not stated any complicity of the petitioners in respect of commission of rape. She has specifically stated that she left her house with her own sweet will. She has not stated about any physical assault and physical misbehave against the petitioners. It is further submitted medical



report does not corroborate the prosecution case. Petitioners have got no criminal antecedent as stated in para 3 of the petition. It is also submitted that petitioner No. 1 has surrendered before the court below on 12.06.2023 and since then he is languishing in judicial custody while petitioner no. 2 to 4 are in judicial custody since 05.06.2023.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail and submitted that victim has supported the case of prosecution in her statement recorded U/s 161 of Cr.P.C.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Pirbahore P.S. Case No. 412 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum- Special Judge, POCSO, Patna.

(Sunil Kumar Panwar, J)

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