

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77095 of 2018

Arising Out of PS. Case No.-83 Year-2018 Thana- BABUBARHI District-
Madhubani

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Sonu Kumar Sah @ Sonu Kumar Son of Dinesh Kumar Bharti Resident of
Village-Khutauna,P.S. Khutauna,Distt.-Madhubani

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Shakti Suman Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363, 366(A),34 of the Indian Penal Code and later on Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 were added registered in connection with Babubarhi P.S. Case No. 83 of 2018.

3. It is submitted that the petitioner has been falsely implicated as evident from the proceedings of the Juvenile Justice Board, Madhubani in EN No. 1057 of 2018 while considering the case of co-accused juvenile Vivek Kumar @ Prince Raj. It has been noted that the victim girl has stated before the Juvenile Justice Board that her statement under Section 164 Cr. P.C.



implicating the petitioner had been recorded under police pressure and she had given false statement, whereas she had in fact gone to her aunti's place after being scolded by her mother. The victim has been assessed to be about 17 years of age. Petitioner is accused in one prior case of different nature in which he is on bail.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3, Madhubani in connection with Babubarhi P.S. Case No. 83 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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