

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34207 of 2019**

Arising Out of PS. Case No.-19 Year-2019 Thana- SARSI District- Purnia

SANJEEV KUMAR Son of Umesh Rishi Resident of Village - Laxminiya,  
P.S.- Sarsi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajit Ranjan Kumar

For the Opposite Party/s : Mr.Lalan Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      27-05-2019                      Heard learned counsels for the parties.

The petitioner is languishing in custody since 21-01-2019 in a case registered for the offences punishable under Sections 341, 323, 376 and 504/34 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act (POCSO) Act, 2012.

The prosecution case as per the written report of Kajal Kumari submitted to the SHO, Sarsi Police Station is to the effect that on 18-01-2019, while the informant was at the house of her maternal grandmother and she went to ease out, it is alleged that the petitioner and one Suraj Kumar gagged her on the point of knife. Thereafter, co-accused Suraj Kumar ravished her whereas the petitioner was standing to have vigil from outside.

It is submitted by learned counsel for the petitioner that though the petitioner is named in the F.I.R., but the statement



recorded under Section 164 Cr.P.C., the victim has not named the petitioner. Moreover, even assuming the accusation to be true, no offence under Section 376 of the I.P.C. is made out against the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the F.I.R. with specific accusation.

Considering the fact that though the petitioner is named in the F.I.R., but specific accusation of ravishing the informant has been levelled against co-accused Suraj Kumar, the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and the period in custody, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (POCSO) Act, Purnea in connection with Special (POCSO) Case No. 07 of 2019 arising out of Sarsi P.S. Case No. 19 of 2019.

**(Dinesh Kumar Singh, J)**

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