

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11348 of 2020**

Arising Out of PS. Case No.-40 Year-2019 Thana- MAHILA P.S. District- Lakhisarai

Sunil Kumar Son of Nand Kewat @ Nand Lal Kewat Resident of Village -
Jogmela, P.S.- Lakhisarai, Distt – Lakhisarai ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Vijay Kumar, Advocate

For the Opposite Party : Mr.Umesh Lal Verma, Addl Public Prosecutor

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

4 15-09-2020 Heard learned counsel for the petitioner as well as
learned counsel for the State through video conferencing.

Petitioner apprehends arrest in Lakhisarai (Mahila)
Police Station Case No. 40/2019 registered for the offences
punishable under Sections 420/376 of the Indian Penal Code
and section 4 of the POCSO Act.

Petitioner is alleged to have committed rape on the
informant who is 16 years old on the pretext of marrying her.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that even as per the FIR, the informant has
herself disclosed that she was in love with the petitioner for
sometime, as such, offence under section 376 of the Indian
Penal Code is not attracted against the petitioner.

Learned counsel for the State opposes the prayer for
bail stating the petitioner committed sexual assault on the
informant on the allurement of marrying her. Informant was
minor and in her statement u/s 164 Cr.P.C. she has fully
supported the prosecution case.

In view of the nature of allegation, prayer for bail of
the petitioner is refused with direction to surrender and seek



regular bail which would be considered on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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