

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24750 of 2020

Arising Out of PS. Case No.-20 Year-2020 Thana- FATUA District- Patna

SONU KUMAR S/o Hira Lal Thathera @ Hira Lal Resident of Village-
Utrathu, P.S.- Bind, District- Nalanda. At present Mohalla- Govindpur, House
of Mogul Thathera, P.S.- Fatuha, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-10-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Sanjay Kumar Singh APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. Henceforward his name may also be printed in the cause list.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Fatuha PS Case No. 20 of 2020 registered under Section 376 of the IPC and Sections 4 & 8 of Pocso Act.

The allegation is that the informant has been raped by the petitioner.



Learned Senior Counsel appearing for the petitioner has submitted that even as per prosecution case the informant and her sister on their own volition had left home. The manner in which the allegations have been levelled is highly improbable as the informant and her sister are said to be present at the time of rape being committed by the petitioner upon the informant, though the sister has not taken any steps to prevent such occurrence. Submission is that the medical report prepared by the PMCH does not support the allegation. The age of the victim as per her own statement is about 17 years. The petitioner has no criminal antecedent and he is in custody since 9.1.2020. Charge-sheet has already been submitted in this case and there is no chance of tampering with the evidence.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, 1st, Patna in Fatuha PS Case No. 20 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

