

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3539 of 2020

Arising Out of PS. Case No.-17 Year-2019 Thana- MANSURCHAK District- Begusarai

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SUJEET KUMAR @ SUJEET THAKUR @ GIDARBA @ GIDORBA Son
of Shrawan Thakur Resident of Village - Shamsa, P.S.- MansoorChak, District
- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mrs. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 15-06-2020 The matter has been taken up through virtual court
proceeding.

Heard learned counsels for the petitioner and the
State.

The petitioner is languishing in custody since
25.02.2019, in a case registered for the offences punishable
under Sections 4, 5, 6 and 12 of the Protection of Children from
Sexual Offences Act, 2012 and Section 67 of the Information
Technology Act, 2000.

The prosecution case, as per the written report of
Manju Kumari, submitted to the S.H.O., Mansoorchak Police
Station is to the effect that on 11.02.2019 at about 6.30 A.M.,
when the informant was going to ease out, all the accused



persons including the petitioner, dragged and gagged her, when co-accused Aman Kumar, Rabia Malakar and the petitioner Sanjeet Thakur ravished her one by one. It is further alleged that co-accused Sunny Sah took nude photograph of the informant and threatened her of dire consequences, if she reveals about the incident.

It is submitted by learned counsel for the petitioner that about the alleged occurrence of 11.02.2019, the victim conveyed her father on 19.02.2019, when the FIR was lodged on 22.02.2019. The statement of the victim, recorded under Section 164 Cr. P.C., is inconsistent with the statement recorded in the FIR, as the victim in her statement, recorded under Section 164 Cr. P.C., stated that all the six accused persons ravished her, whereas in the FIR, it is alleged that only three accused persons have ravished her. It is further submitted that medical report completely negates the accusation of rape, as the victim was medically examined on 22.02.2019, when no injury on any part of the body of the informant has been found. The investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases.

Learned APP submits that the petitioner is named in



the FIR with specific accusation.

Considering the delayed lodging of the FIR, the medical report, which completely negates the accusation of rape, period under custody and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Sessions 1st-cum-Special Judge, POCSO Act, Begusarai in connection with POCSO Case No. 14 of 2019, Mansoorchak P.S. Case No. 17 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Sessions 1st-cum-Special Judge, POCSO Act,



Begusarai in connection with POCSO Case No. 14 of 2019,
Mansoorchak P.S. Case No. 17 of 2019.

The learned Court below will be at liberty to extend
the further period of provisional bail if the court proceeding in
physical mode will not resume in next three months.

(Dinesh Kumar Singh, J)

Amrendra/-

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