

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30332 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- BARHARA KOTHI District- Purnia

Naveen Kumar Son of Niroj Kumar Singh Resident of Village- Orlaha, P.S.-
Barhara Kothi (Raghubansh Nagar), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Ms. Preety Kunwar
For the Opposite Party/s	:	Mrs. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 04-10-2021 Heard learned senior counsel for the petitioner and
learned Addl. Public Prosecutor for the State.

The petitioner seeks bail in Barhara (Raghubansh Nagar) P.S. Case No. 04 of 2021, registered for the offence under Sections 143, 341, 323, 376, 354(B), 448, 452/506 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case, in brief, is that on 03.01.2021, the present F.I.R. was lodged on the written statement of victim that 3-4 months ago in the evening, the petitioner entered into her house and forcibly took her away on his motorcycle and also threatened the family members not to lodge any case, otherwise he will kill entire family members. It is further alleged that petitioner forcibly put vermilion on the forehead of victim and



committed rape with her continuously for three months, but anyhow, she ran away from there. Thereafter, on 02.01.2021, the petitioner alongwith other accused came at her house and forcibly tried to take her away, but on *hulla*, some villagers came there and accused persons fled away.

It is submitted on behalf of petitioner that no such occurrence has taken place, as alleged in the FIR. The victim was also examined by the doctor, who did not find any sign of rape and her age was assessed in between 16 and 17 years. It is further submitted that during course of investigation, statement of victim was recorded twice under Section 164 Cr.P.C. In the first statement, she did not allege any sexual assault against this petitioner, however; in her second statement, she alleged commission of rape against this petitioner. This itself shows falsity of the case. It is further submitted that alleged occurrence has taken place prior to 3-4 months from the date of lodging of F.I.R., but the F.I.R. was lodged belatedly and there is no explanation of delay. Petitioner claims clean antecedent and he is in custody since 08.02.2021.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the



bail petition of petitioner is allowed. 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 learned Special Judge, POCSO Act, Purnea in connection with Barhara (Raghubansh Nagar) P.S. Case No. 04 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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