

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39203 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- DHANARUA District- Patna

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Santu Kumar @ Forty Son of Brijnandan Ram Resident of Village- Kosut,
P.S.- Dhanarua, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Ashok Kumar Mishra
For the State	:	Mr.Rana Randhir Singh
For the Informant	:	Mr.Saket Anand

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 01-10-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Dhanarua P.S. Case No. 7 of 2021, corresponding to Special Case No. 7 of 2021, registered for the offence under Section 376 of the Indian Penal Code and Sections 4 / 6 of the POCSO Act.

As per the prosecution case, this petitioner is alleged to have committed rape upon the minor daughter of the informant.

It is submitted on behalf of petitioner that though, the alleged offence is said to have taken place on 05.01.2021, but F.I.R. has been lodged on 08.01.2021 i.e. after lapse of three days and there is no explanation for the delay. Actually, there



was love affairs between the victim and the petitioner and the victim voluntarily went to the alleged place of occurrence and made physical relation with petitioner, which was consensual. It is further submitted that doctor has not found any evidence of sexual assault and assessed the age of the victim between 14 – 16 years. Petitioner is in custody since 10.01.2021.

However, counsel for the informant vehemently opposed the bail petition and submitted that petitioner is a teacher and runs a coaching institute, in which, victim was pursuing her studies and thereafter, taking the victim in good faith, this petitioner has committed such heinous offence. The aforesaid fact has also been supported by the victim in her statement recorded under Section 164 Cr.P.C.

Considering the nature and gravity of the offence as well as statement of the victim recorded under Section 164 of the Cr.P.C., I am not inclined to grant bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J.)

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