

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33774 of 2020

Arising Out of PS. Case No.-377 Year-2019 Thana- GAYA MUFASIL District- Gaya

SONU KUMAR, son of Devendra Kumar Singh, Resident of
Village/Mohalla- Sahiya, P.S.- Wazirganj, District- Gaya, Bihar
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Adv.
For the State : Mr. A.M.P. Mehta, APP
For the Informant : Mr. Avinash Kumar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 08-01-2021 As prayed for, let the learned counsel for the
petitioner remove the defect(s), as point out by the office vide
it's note, dated 04.01.2021, within four weeks from today.

Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State, as well as learned
counsel for the informant.

The petitioner seeks bail in connection with POCSO
Case No. 81 of 2019 arising out of Muffasil P.S. Case No. 377
of 2019 registered under Sections 376(D) of the Indian Penal
Code and 4 and 6 of the Protection of Children from Sexual
Offences Act, 2012.

The accusation is that victim, aged about 18 years, due
to quarrel with her mother, left her house before 15 days.
Earlier she was having friendship with Rahul Kumar, whose



mobile number she obtained from her elder sister. Rahul Kumar called her at Railway Station on mobile where she met him. Rahul Kumar, with the victim, boarded on white safari vehicle and took her to Vijay Utsav Hall, near Sikhar turning, where, after shifting her in a room, Rahul Kumar moved from there. In the evening Rahul Kumar came there, with his friend, Sonu Kumar, and told her that in the night they will go for “grih pravesch”, thereafter, Rahul Kumar moved from there and the victim received a call of Rahul Kumar that he is coming with vehicle to move away from there as police is coming there. Amlesh Singh, owner of Vijay Utsav Hall, came there and scolded and asked her to leave the Hall. After coming out of the Hall, she called Sonu Kumar on mobile and after taking an auto-rickshaw she reached to the place where Sonu Kumar reside. Sonu Kumar boarded on motorcycle with the victim and after spending much time, Sonu Kumar bring her to the house of his friend, Bablu, where she was raped by Sonu Kumar and Bablu.

Submission is that the victim, in her statement under Section 164 of the Criminal Procedure Code, recorded on 13.08.2019, disclosed different story about moving with the petitioner several times and used by the petitioner and his friend sexually. Further submission is that in fact the victim/informant



is a girl of bad character and she has also lodged Sadar Mahila P.S. Case No. 9 of 2019 on 01.06.2019 under Sections 376(D) of the Indian Penal Code and 4 and 8 of the Protection of Children from Sexual Offences Act, 2012, against two different persons. Further submission is that Rahul Kumar, whose name has come in the statement of the victim girl under Section 164 of the Criminal Procedure Code has already been allowed the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 31622 of 2020 on 03.12.2020 and petitioner, having no criminal antecedent, is in custody since 05.11.2019.

Having regard to the facts and circumstances of the case, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with POCSO Case No. 81 of 2019 arising out of Muffasil P.S. Case No. 377 of 2019 to the satisfaction of the Additional District Judge I-cum-Special Judge, POCSO, Gaya.

(Rajendra Kumar Mishra, J)

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