

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39322 of 2020**

Arising Out of PS. Case No.-30 Year-2020 Thana- MAHILA P.S. District- Siwan

SUMAN KUMAR @ SUMAN KOIRI Son of Guljar Prasad Resident of
Village - Bhadwaniya, P.S.- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms Kumari Anupam, Advocate

For the Opposite Party/s : Mr Rajendra Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 **19-03-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Siwan Mahila Police
Station (for brevity, *PS*) Case No 30 of 2020 dated 22.05.2020
instituted for the offence punishable under Section 376 (DA) of
Indian Penal Code and Sections 4/6 of Protection of Children
from Sexual Offences Act.

Two days after the rape having allegedly been
committed upon the minor informant, First Information Report
(for brevity, *FIR*) has been lodged.

Petitioner's counsel submits that in the *FIR*, there is
no reason for having lodged the same after two days. Such
conduct is self contradictory. On one hand, informant has stated



that immediately the FIR was not lodged due to the intimidating personality of the accused. Two days after the occurrence, father of the victim has lodged the FIR. Further submission is that the occurrence has taken place in the day time and in an open field and there is no eye witness to the occurrence nor has any one come forward to support the allegation. Medical Report also does not suggest that the victim has been subjected to rape as no injury has been found on the person of the victim and there is no evidence of any recent sexual activity. The petitioner, in the circumstances, is in custody since 13.06.2020 and it is submitted that in view of the fact that the petitioner's lands are adjacent to the lands owned by the victim's family, he has been falsely implicated in this case, based on some dispute.

Learned APP for the State has appeared. It is submitted that the specific allegation has been levelled against the petitioner. He, however, is not in a position to deny or dispute the other submissions advanced by the petitioner.

In view of the aforesaid circumstances, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Court, Siwan in



Siwan Mahila PS Case No 30 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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