

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4071 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- SABAUR District- Bhagalpur

SUNIL KR. SINGH SON OF POSAN SINGH @ VINOD SINGH
RESIDENT OF VILLAGE- BARI JAMIN, P.S. - GORADIH (SABOUR),
DISTRICT- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Sabour (Goradih) Police Station Case No. 80 of 2020, registered
for the offence punishable under Sections 323/504/506/376/34
of the Indian Penal Code and Section 4 of the Protection of
Children from Sexual Offences Act, 2012.

The prosecution story, as per the complaint -cum-
First Information Report, is that the petitioner committed rape
upon the informant.

Learned Counsel for the petitioner submits that the
alleged occurrence has taken place on 29.01.2020, but the



complaint was filed after a delay of 11 days and the First Information Report was registered after 75 days. He submits that in course of investigation, the police has recorded the statements of independent witnesses in paragraphs 56, 57 and 87 of the case diary and from perusal of the same, it would be evident that the witnesses, who claimed to be the eye-witnesses, have stated that there was love affair between the petitioner and the informant and that they have good relation and used to talk frequently. He further submits that the medical examination of the informant was conducted and the doctor has opined that there was no sign of recent physical assault on the informant. He further submits that the petitioner is a student of Bachelor of Arts, studying in Tilka Manjhi Bhagalpur University.

On the other hand, learned Additional Public Prosecutor, referring to the statement of the informant recorded under Section 164 of the Code of Criminal Procedure, 1973, submits that the informant is aged about 14 years and she has reiterated her version given in the complaint and has vividly described the entire occurrence perpetrated on her person by the petitioner. He, thus, submits that even if there was love affair, the consent of the informant, who is minor, does not have any value in the eyes of law.



Having heard learned Counsel for the parties and taking into consideration the materials on record, particularly the statement of the informant recorded under Section 164 of the Code of Criminal Procedure, 1973, I am not inclined to grant regular bail to the petitioner.

This application is, accordingly, dismissed.

However, the petitioner may renew his prayer for bail within one year from today, if the trial does not show any progress.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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