

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4105 of 2021

Arising Out of PS. Case No.-64 Year-2020 Thana- BUNIYAD GANJ District- Gaya

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SAMPAT KUMAR SON OF SIDHESHWAR SINGH Resident Of Village -
Rupaspur, P.S. - Buniyadganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Agrawal, Senior Advocate
For the Opposite Party/s : Mr. Navin Kumar pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-06-2021 Heard Mr. Nawal Kishore Agrawal, learned senior

counsel for the petitioner and Mr. Navin Kumar Pandey, learned

Additional Public Prosecutor appearing for the State through

video conferencing.

Petitioner seeks regular bail in connection with

Buniyadgunj P.S. Case No. 64 of 2020 registered for the

offences punishable under Sections 354, 354(C), 328, 376, 341,

323, 506/34 of the Indian Penal Code 1860 and Section 4/8 of

POCSO Act.

The allegation as per the First Information Report is

that the petitioner has committed rape upon the victim girl

(informant) after administering her intoxicating toffee.

Learned senior counsel for the petitioner submits that

the petitioner has falsely been implicated in this case with



oblique motive and referring to Annexure-2 to this application learned counsel submits that there was love affair between the petitioner and informant and the matter was referred to Gram Kutchehry at the instance of the family members and the villager. In the proceeding before the Gram Kucchry it has been recorded that the victim had fallen in love and she wanted to marry with the petitioner and has categorically stated therein that the petitioner did not make any physical relationship with the victim (informant). However, learned counsel submits that the petitioner before the Gram Kutchehry has specifically stated that he did not want to marry with the victim girl (informant). Learned counsel further submits that the proceeding before the Gram Kutchehry was recorded on 29.4.2020 and when the petitioner refused to marry with the victim (informant), a false First Information Report has been lodged on 4.5.2020. Learned counsel next submits that from perusal of 164 statement of the victim girl at Annexure-3 it would be evident that there was no allegation of rape against the petitioner. The petitioner is in custody since 3.9.2020 and he is also a student and is aged about 23 years.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the



fact that before the Gram Kutchehry, the informant has categorically stated that the petitioner did not make any physical relationship with her and further in her statement recorded under Section 164 Cr. P.C. she has not alleged that the petitioner made sexual relationship with her and the petitioner is in custody since 9.3.2020 as well as` charge sheet has already been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO Court cum A.D.J.VI, Gaya, in connection with Buniyadgunj P.S. Case No. 64 of 2020

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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