

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15905 of 2021

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

CHHOTU KUMAR @ SUBHAM @ SUBHAM SINGH SON OF
HARENDRA KUMAR SINGH Resident of Village - Lakhibagh, P.S.-
Muffasil, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.P.K.Shahi, Sr. Adv.
Mr.Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-01-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with POCSO Case No.81/2019 arising out of Muffasil (Gaya) P.S. Case No.377/2019, registered for the offence punishable under Section 376(D) of the Indian Penal Code and sections 4 and 6 of POCSO Act, 2012.

The prosecution in short is that the informant, aged about 18 years had left her house after an altercation with her mother



and went with one Rahul to Vijay Utsav Hall at Sikhar More where one Sonu also came to meet her. It is alleged that thereafter she was taken to the house of Babloo Singh where Babloo and Sonu committed rape upon her.

It is submitted by learned Sr. Counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever taken place and petitioner been falsely implicated in this case. He is not named in the FIR rather his name has been dragged in this case by the victim in her statement recorded u/s 164 CrPc. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the Sonu, Rahul and Babloo. During trial, the sister and mother of the informant/victim has turned hostile and stated that no such occurrence has taken place. The Doctor has found the age of the victim as 19 years, therefore, no case under the POCSO Act is made out against the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the anticipatory bail application.

Learned counsel for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event



of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with POCSO Case No.81/2019 arising out of Muffasil (Gaya) P.S. Case No.377/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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