

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24493 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- BHAGWANPUR District- Begusarai

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SURAJ KUMAR Son of Sushil Tanti Resident of Village- Mubarkpur, P.S.-
Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 341, 323, 376, 420, 504/34 of the

Indian Penal Code and Section 8 of the POCSO Act.

The petitioner is said to have established physical

relation with the victim on the pretext of marriage and when

the victim got pregnant, the petitioner is said to have refused

to perform marriage with the victim.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case due to dirty local politics. He further submits that as a matter of fact, the victim is said to be of questionable character for that reason the petitioner has refused to perform marriage with her. He further submits that the victim has been medically examined by the doctor, who has assessed her age between 16-18 years. No such occurrence as alleged in the F.I.R has been committed by the petitioner. The petitioner is rotting in judicial custody since 07.11.2020.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has established forceful physical relation with the victim, who is minor, on the pretext of marriage due which the victim got pregnant and upon which the petitioner has refused to get marry with the victim, this fact has also admitted by the victim in her statement recorded under Section 164 Cr.P.C. He further submits that according to the report received from the court below, there is substantial progress in the trial as out of five witnesses, two witnesses (informant and victim) have been examined in this case, therefore, the trial of the case is likely to be concluded in



near future. Hence, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and also the age of the victim, who is minor, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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