

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16937 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- MARANCHI District- Patna

SUMIT KUMAR Son of Ramashrai Prasad Sao Resident of village -
Barahiya, Ward No.- 15, P.S.- Barahiya, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain
	:	Mr. Mayank Bilochan
	:	Mr. Bhola Kumar
For the Opposite Party/s	:	Mr. Ram Sumiran Rai
For the informant	:	Mr. Manoj Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 20-12-2022 Heard Ld. counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in connection with Spl.
(POCSO) Case No. 03 of 2022, arising out of Maranchi
(Panchmhla O.P.) P.S. Case No. 138 of 2021, registered for
the offences punishable under Sections 452, 376 and 511 of
Indian Penal Code and Section 08 of Protection of Children
from Sexual Offence Act.

The prosecution story as emerges form the FIR is
that when the victim girl was sleeping in her room, the
accused petitioner came there and attempted to commit rape



upon her. On shout, her mother and mother-in-law came there and caught the accused. Thereafter, they informed In-Charge of the Panchmahala O.P. and when police reached there, they handed over the accused to the police.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact there is love affair between the alleged victim and the accused-petitioner and he has filed a copy of whatsapp chat between the two, which is showing love affairs between them. However, same was not liked by the parents and hence they falsely implicated the petitioner when he was invited by the alleged victim to her home on occasion of her birthday. He further submits that the investigation is complete in this case and charge-sheet has already been submitted, even charge has been framed and trial is going on.

Ld. counsel for the informant vigorously opposes the prayer of the petitioner for regular bail submitting that alleged victim is minor and she has supported the prosecution case under Section 164 Cr. P.C. However, he



concedes that even as per the allegation there is no commission of rape. And there is allegation of attempt to rape only.

The petitioner has been languishing in jail since 28.12.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge VI-cum-special Judge (POCSO), Patna, in connection with Maranchi (Panchmhla O.P.) P.S. Case No. 138 of 2021 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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