

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39428 of 2021

Arising Out of PS. Case No.-44 Year-2020 Thana- MAHILA P.S. District- Nalanda

SAHIL KUMAR Son of Satyendra Prasad Resident of Village - Gaurav
Nagar, P.S.- Parwalpur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 44 of 2020 registered for the offences
punishable under Sections 376, 323, 504, 506/34 of the Indian
Penal Code 1860 and Section 4/6 of the Protection of Children
from Sexual Offences Act.

The allegation against the petitioner is that he on the
pretext of marriage committed rape upon the informant/minor
victim.

Learned counsel for the petitioner submits that there
was love affair between the petitioner and the informant. He
further submits that the informant was married from before and
was not willing to reside with her husband. The petitioner has



falsely been implicated in this case due to the fact that father of the informant was working in the cow-shed (*Khatal*) of the petitioner. He also submits that there is contradiction in the statement of the informant made in the First Information Report as well as the statement of the informant/victim girl recorded under Section 164 Cr. P.C. inasmuch as in the First Information Report she has disclosed that the petitioner had put vermilion on the head of the informant in a temple whereas in the statement recorded under Section 164 Cr. P.C. she has stated that the petitioner arrived at the house of the informant and put vermilion on her head and established physical relationship. He next submits that the informant is not minor and during course of investigation, the DSP on the basis of the matriculation certificate has found the date of birth of the informant as 19.6.2001, as such, on the date of occurrence the informant was aged about 19 years.

Regards being had to the submission made by the parties and taking into consideration the materials on record and the statement of the informant/victim girl who is a minor in which she has stated that the petitioner on the pretext of marriage established physical relationship against her will, I am not inclined to grant regular bail to the petitioner.



Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after the statement of the victim girl recorded during course of the trial.

(Anil Kumar Sinha, J)

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