

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41921 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- MAHILA P.S District- Supaul

MD SONU S/O- Md. Anisul Rahman @ Md. Anisul Resident of Village -
Amha, Puranwas, Ward No. 3, P.S. and District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nafisuzzoha, Advocate
For the Opposite Party/s :	Mrs. Patla Kumari, Advocate
	Mr. Ajay Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 12-04-2022 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 13.02.2021, seeks regular bail in connection with Supaul Mahila P.S. Case No. 11 of 2021 registered for offences punishable under Sections 376, 341, 323, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

Prosecution story in brief is that the case was registered in Mahila P.S. by the victim girl where she has made a specific allegation against the present petitioner that he used to



come to the house of the victim and on the date of incidence, he silently came in the night and raped her thereafter, the petitioner left his belongings. She has supported the allegation made in the FIR in her statement made under Section 164 Cr.P.C.

Learned counsel appearing on behalf of the petitioner submits that charge-sheet has been submitted under Section 354 (B) at the best this is a case of outraging the modesty of the victim girl. Medical Board has determined the aged of the victim girl to be between 15 to 17 years. However, in absence of any medical examination to support the fact that any sexual assault has been committed by the petitioner, no case of alleged rape is made out against him. Petitioner used to visit the house of the informant and they were in some sort of relationship. His specific statement is that petitioner is an emerging adult and he is undergoing several biological as well as hormonal changes in the body and their age element of some platonic love relationship between the victim and the petitioner which lead to such incidence. Petitioner was not aware of the consequences of such event. Admitting the fact that he resorted to such act he was not aware about the stringent punishment under the POCSO Act.

Smt. Patla Kumari, learned counsel appearing on



behalf of the informant has vehemently opposed the prayer for grant of bail to the petitioner. She submits that informant in her statement under Section 164 Cr.P.C. has supported the allegation made in the FIR. She has not admitted any story of the love relationship between her and the petitioner however, she has not denied the fact that the petitioner used to come to her house.

Learned A.P.P. for the State has also opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of the case as well as rival submissions of the parties, the Court below is directed to take the statement of the victim girl, her father and mother as well as the father and mother of the petitioner and all such witnesses whose statement has been recorded under Section 161 Cr.P.C. and if there is any element of relationship between the victim girl and the petitioner, who are yet to achieve their adulthood and the petitioner who is an emerging adult, aged about 20 years is also undergoing biological changes, hormonal changes and the psychological changes in his body is also not aware of consequences of the act he has committed. The Court below is directed to pass a fresh order without being prejudiced by the order dated 11.06.2021.

Such order be passed expeditiously not beyond the



period of three months.

With the aforesaid observation, the present bail application is disposed of.

(Purnendu Singh, J)

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