

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38246 of 2022

Arising Out of PS. Case No.-189 Year-2021 Thana- CHAKAND District- Gaya

RAHUL KUMAR @ PANKAJ KUMAR SON OF SANJAY SINGH R/O
VILLAGE- SOLHANDA, P.S.- MAKHDUMPUR, DISTRICT-
JEHANABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad

For the Opposite Party/s : Mr.Ram Naresh Ray

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-10-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under section 376(3) of the
Indian Penal Code, section 6 of the POCSO Act and sections 3,
4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act.

As per the prosecution case, a raid was conducted in
Bahurani Hotel and during the raid one boy and one girl were
found in the room in objectionable condition. On being asked,
the boy told his name as Rahul kumar aged about 20 years and



the girl told her name who is aged about 16 years. On being asked, the victim girl disclosed that the petitioner used to make physical relationship with her on the pretext of marriage regularly in this hotel and made videos in his mobile.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the medical examination report of the victim girl, her age is found as above 19 years and the doctor has stated that there is no sign of recent sexual intercourse. It has further been submitted that the alleged occurrence took place on 16.10.2021 and the victim was medically examined on 17.10.2021 and in the examination, no spermatozoa, dead or alive, was found in the vaginal swab. It is further submitted that the mother of the victim in her deposition has stated that the petitioner and her daughter went to the said hotel for having breakfast and the victim girl has deposed that the petitioner has not committed anything wrong with her. In cross-examination also the victim has stated that Rahul Kumar has not made physical relationship with her. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.10.2021



Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the period of detention as well as the materials available on the record, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Gaya in connection with Chakand P.S. Case No. 189 of 2021, with a condition that :-

1) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

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