

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.48749 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- SATHI District- West Champaran

Ranjeet Kumar @ Sonu Sharma @ Ajit Kumar @ Sonu, S/o Krishna Thakur,
R/o village- Balwa Bazar, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjum Ara Khatoon, D/o Ali Ahmad, Resident of Belwa Bazar, P.S Sathi,
District- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Anita Kumari Singh, APP
For the Opp. Party No.2 : Mr. Neeraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

- 3 19-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner, Mr. Neeraj Kumar, learned counsel for the informant and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sathi P.S. Case No. 105 of 2021 registered for the offences punishable under Sections 447, 448, 376, 307 of the Indian Penal Code and Section 8, 3 and 4 of the POCSO Act.

As per prosecution case, it is alleged that on



12/13.06.2021 while the informant was sleeping with her sister, all of a sudden one person entered into her room and committed wrongful act. It is further alleged that on resistance made by the informant, the accused assaulted her by knife, due to which she received cut mark on her left wrist. It is further alleged that she identified the said person as Sonu Sharma, her neighbour.

Learned counsel appearing on behalf of the petitioner submits that the prosecution case appears to be suspicious for the simple reason that while the victim was sleeping with her sister allegedly this petitioner entered into the room and committed rape upon her, but no hue and cry was raised by her sister or by the informant herself. It is next submitted that the alleged occurrence is said to have taken place in the night of 12.06.2021, but the present written report has been filed before the police on 15.06.2021 and further during the course of investigation it has come that after the alleged occurrence, a Panchayati was taken place and in the Panchayati demand was made for payment of Rs.5,00,000/- and other amounts and when the same has not been finalized, this F.I.R. has been instituted. It is next submitted that just after the occurrence, the girl was examined by the Medical Board, but no recent sign of sexual assault has been found. It is also submitted that so far as the



injuries, which is said to have been caused upon the informant is concerned, the same has been found to be simple in nature and which might have caused in a different way. It is also submitted that this petitioner, who is aged about 19 years old boy, is in custody since 15.06.2021 having fair antecedent. It is lastly submitted that during the course of investigation, the date of birth of the informant has been assessed on the basis of Aadhar Card wherein her date of birth has been mentioned as 01.01.2003 and, as such, her age on the date of alleged occurrence was more than 18 years.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he committed rape upon the informant and moreover under the Protection of Children from Sexual Offences Act, there is always presumption of culpable mental state of the accused person. It is further submitted that in case of dispute with regard to the assessment of the age of the victim, the same is required to be determined by the Special Court. It is lastly submitted that the alleged wrongful act has been committed by showing fear of death.

Learned APP for the State also opposes the bail application and submits that during the course of investigation



ample material has come and the further victim has also supported the prosecution case in her statement under Section 164 of the Cr.P.C.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation as also the materials, which has come during the course of investigation that with regard to an occurrence, which has taken place in the night of 12.06.2021, this F.I.R. has been instituted on 15.06.2021 and in the meantime Panchayati was held and money has been demanded by the family members of the informant and moreover this fact has also been supported by the victim in her further statement recorded in para 24 of the case diary and further this petitioner is in custody since 15.06.2021 having clean antecedent and he is ready to give undertaking that he will remain present on each and every date of the trial and will not intimidate the witnesses or tamper with the evidence, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- VII- cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Sathi P.S. Case No. 105 of 2021, subject to the condition that one of the



bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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