

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48185 of 2021**

Arising Out of PS. Case No.-2 Year-2020 Thana- MAHILA District- Munger

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DHEERAJ KUMAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 16-05-2022 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. 2/2020 registered for the offences punishable under Sections 341, 376, 504 of the Indian Penal Code and Sections 3/8 of POCSO Act.

Petitioner is an accused in the First Information Report lodged by the victim lady alleging that while she had come out of her house in order to attend nature's call she was raped by the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute and the fact that the petitioner did not succumb to the pressure of informant's side to marry with the victim girl. He further submits that the victim girl is aged about 18 years which



would be evident from the First Information Report itself and both the parties have solemnized marriage and out of their wedlock one child has born. The petitioner is in custody since 29.12.2020.

This Court vide order dated 21.3.2022 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned Additional Sessions Judge VI Cum Exclusive Special Judge, POCSO Act, Munger, dated 29.03.2022 is on record and from perusal of the same, it appears that out of seven charge-sheet witnesses, five have been examined including the victim.

Learned counsel for the petitioner produced the deposition of the victim girl recorded during course of trial and submits that the victim girl has not supported the prosecution case and she has been declared hostile. He also submits that the victim girl in her statement recorded under Section 164 Cr. P.C. has not supported the allegation regarding rape and has only stated that the petitioner tried to commit rape upon her.

Regards being had to the submission made by the parties and taking into consideration the deposition of the victim girl recorded during course of trial, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Exclusive Special Court (POCSO Act), Munger, in connection with Mahila P.S. Case No. 2/2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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