

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3163 of 2021**

Arising Out of PS. Case No.-123 Year-2019 Thana- SANOKHAR District- Bhagalpur

Saurabh Kumar Son Of Raju Mandal Resident Of Dovi, P.S-Amdanda
(Sanokhar), District-Bhagalpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 09-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376, 447, 504 and 506 of the Indian Penal Code read with Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.09.2019, is a person with clean antecedent and charge-sheet has been submitted in the case.

The informant alleges that on 16.09.2019, while she was alone in the house, the petitioner entered her house and raped her on which she raised *hulla* and the petitioner was caught.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the



petitioner and the informant were in love and he had gone to meet her and when the parents came to know about the same, the present F.I.R. with false allegation came to be instituted as the medical report of the informant completely negates rape and records that there is no clinical evidence of rape. It is further submitted that the date of occurrence is 16.09.2019 and the medical of the informant was done on 17.09.2019 itself, it is thus submitted that when medical report negates rape as such for the present, the case of the petitioner be considered in view of the medical report and the petitioner deserves to be enlarged on bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 16.09.2019, is a person with clean antecedent, charge-sheet has been submitted in the case and the medical report completely negates rape which was done barely after the occurrence, the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Children Case No. 10 of 2020 arising



out of Amdanda (Sanokhar) P.S. Case No. 123 of 2019.

(Satyavrat Verma, J)

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