

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65049 of 2021

Arising Out of PS. Case No.-982 Year-2018 Thana- FORBESGANJ District- Araria

SONU KUMAR @ SONU KUMAR SAURAV @ SONU KUMAR YADAV
S/o Shambhu Kumar Yadav @ Shambhu Yadav Resident of Village -
Barahuwa, P.S. Bhargama, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Farbesganj (Simraha) P.S. Case No. 982 of 2018 registered for
the offence under Sections 363 and 366(A) of the Indian Penal
Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 08.03.2021.

The allegation against the petitioner is to kidnap the
minor daughter of the informant for the purpose of illicit



intercourse.

Learned senior counsel appearing on behalf of the petitioner submitted that there is contraction between statement of the victim recorded under Section 161 of Cr.P.C. and Section 164 of Cr.P.C. It has further been submitted that during course of the investigation, it appears that the victim was in love affairs with one of the co-accused, namely, Gaurav. It has further been submitted that as per medical report, the age of the victim girl assessed as between 18 to 19 years, which clearly suggests that on the date of occurrence, the victim was major. While concluding the argument, it has been submitted that petitioner is man of clean antecedent, moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that there is contradiction between the statement of victim recorded under Section 161 of Cr.P.C. qua Section 164 of Cr. P.C.

Considering the facts and circumstances as mentioned above, as there is contradictions in the statements of victim, negating allegation of sexual assault coupled with the fact that charge-sheet has already been submitted in this case, let the



petitioner, above named, are directed to be released on bail in connection with Farbesganj (Simraha) P.S. Case No. 982 of 2018 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Araria, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Shambhu Kumar Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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