

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65348 of 2021

Arising Out of PS. Case No.-275 Year-2021 Thana- TEGHRHA District- Begusarai

SHIVAM KUMAR S/o Shivram Singh Resident of Village- Dularpur, Ward
No.03, P.S.- Teghra, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 376(D), 120(b) of the Indian
Penal Code, Section 8 of the Protection of Children from Sexual
Offenses Act, 2012 and Sections 3 and 4 of the Immoral Traffic
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 07.09.2021, charge-sheet has been
submitted and has antecedent of one case.

Learned counsel for the petitioner submits that the
informant, who is a police officer, alleges that a raiding party
reached the house of Shashank Kumar and after entering into his



house a boy and a girl were found in a compromising position. Hence, they were detained and some objectionable articles were recovered from the place of occurrence. It is further alleged that the victim girl admitted that she came from Patna as she was called by the petitioner and he and some other persons enjoyed with her.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and from bare perusal of the allegation it would manifest that the victim on her own volition had come as she was called by the petitioner. It is also submitted that though the case was registered under the Protection of Children from Sexual Offenses Act, 2012 but the Investigating Officer at para 79 of the case diary has recorded the date of birth of the victim as 03.02.1999 and the Medical Board has assessed the age of the victim girl as 20 years. Learned counsel further submits that it amply reflects that the authority who arrested the accused, arrested him, only with a view to get his palm greased and when the same was not done, he deliberately without satisfying and verifying the age of the victim and to give a serious colour to the case instituted the case under the Protection of Children from Sexual Offenses Act, 2012 also. Learned counsel for the



petitioner submits that even the medical evidence does not record that any sexual assault was made with the victim. Learned counsel further submits that a supplementary affidavit has been filed bringing on record the certified copy of the impugned order.

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

Considering the fact that the petitioner is in custody since 07.09.2021, charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Teghra P.S. Case No. 275 of 2021 (POCSO Case No. 57 of 2021).

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

