

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68266 of 2021**

Arising Out of PS. Case No.-128 Year-2021 Thana- ISLAMPUR District- Nalanda

SUJIT KUMAR Son of Manoranjan Prasad Resident of Village- Korawan,
P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 13-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 09.03.2021,
seeks regular bail in connection with POCSO Case No. 44 of
2021, arising out of Islampur P.S. Case No. 128 of 2021 for the
offence punishable under Section 363, 366(A)/34 of the Indian
Penal Code and Section 8, 10 and 12 of the POCSO Act, pend-
ing in the Court of Addl. Sessions Judge-VII-cum-Special
Judge, POCSO Act, Nalanda at Biharsharif.

As per allegation made in the F.I.R. is that petitioner
along with one Rahul Kumar have induced the victim, daughter
of informant, for committing illicit sexual relationship.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that he has made specific statement in paragraph No.13 of the bail application that victim had gone along with the petitioner according to her sweet will. The victim refused to get herself medically examined. The allegation of Section 376(A) of the Indian Penal Code is not sustainable so far as present petitioner is concerned. The victim has already solemnized her marriage with some other person.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration the nature of allegation made against the petitioner and the statement made in paragraph Nos. 12 and 13, it appears that there was some sort of relationship between the petitioner in which the victim has married, it would be in the interest of justice that parties may appear before the learned Court below and the learned trial Court is directed to record the statement of the victim girl, if already not recorded, as well as the statement of mother and father of the victim and the petitioner and all the other necessary witnesses and after recording their statements, within a period of three months, if



the Court below finds it proper in facts and circumstances of the case, shall pass necessary order in accordance with law, without being prejudiced by his earlier order dated 03.07.2021.

If the Court below is *prima facie* satisfied to release the petitioner on bail, the petitioner, above named be released on bail on such terms and conditions as the Court below may deem fit and proper.

Accordingly, with the aforesaid observation and direction, the present application filed on behalf of petitioner is disposed of.

(Purnendu Singh, J)

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