

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2634 of 2023

Arising Out of PS. Case No.-97 Year-2022 Thana- MAHILA PS District- Gaya

Sunny Kumar @ Shani Kumar @ Sunni Kumar Son Of Vashant Paswan R/V-
Deuri Dumri, P.S- Barachatti, Dist- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri. Yogesh Chandra Verma, Sr. Adv. Mr.Sanjay Kumar Sharma
For the Opposite Party/s :		Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 25-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Section 376 of the Indian
Penal Code and Section 4/6 of POCSO Act.

The prosecution case in nutshell is that
informant, aged about 14 years, has gone to forest near
Dhora for call of nature, then petitioner caught hold her
and ravished her. It is further alleged that on making
noise, several villagers came on spot and caught the



petitioner.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. It is further submitted that both parties are neighbors and both are in love. They established physical relation with their own sweet will. During medical examination, the age of informant is determined as 19 years. From perusal of case diary vide para 21, it is evident that grandfather of victim has not supported the prosecution case and he affirmed about consensual relation between the victim and the petitioner. Moreover, the petitioner is in judicial custody since 06.11.2022.

Learned APP appearing on behalf of the State vehemently opposed the prayer of the petitioner and submitted that victim has specifically stated about the complicity of petitioner in her ravishment, in her statement recorded under Section 164 of Cr.P.C. She has stated that petitioner caught hold and pressed her mouth and committed rape with her. Medical report also



corroborates with the prosecution case.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

Learned trial court is directed to expedite the trial and conclude the same as early as possible.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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