

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9473 of 2023

Arising Out of PS. Case No.-142 Year-2022 Thana- JURAWANPUR District- Vaishali

Sonu Kumar @ Parbhansh Kumar @ Paramhansh Kumar, S/O Late Sunil Singh, Resident Of Village- Bankipur Akhariya, P.S.- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-07-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with Jurawanpur P.S. Case No. 142 of 2022, dated 01.09.2022 registered for the offence(s) punishable under Section 376D (A) of the Indian Penal Code and Section 4 of POCSO Act and Sections 66 (D) (E), 67 (A) of the I.T. Act.

3. As per the prosecution, informant alleged that this petitioner committed rape on her minor daughter and also recorded the incident and thereafter one co-accused Rakesh Singh circulated the alleged video of the occurrence.

4. The main submissions advanced by petitioner's counsel are that petitioner's trial has started and he has been languishing in jail since 10.10.2022 having fair and clean



antecedent, in fact, there was consensual sexual relationship between this petitioner and the so-called victim and when the petitioner did not accept the victim's proposal to marry her then the present case was falsely prepared and the concerned doctor who examined the victim did not find any sign of sexual assault and the alleged obscene video was not made viral by this petitioner rather as per investigation, victim's own relative circulated the said video. Further submissions are that the alleged offence under Section 376(D) A of the Indian Penal Code is not made out against this petitioner and the FIR was lodged fifteen days after the alleged occurrence and the said delay has not been explained. Further submission is that the co-accused Rakesh Singh who allegedly made the objectionable video viral, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 24815 of 2023.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Heard both the sides and perused the FIR and the case diary. As per FIR, the victim is stated to be thirteen years old at the time of commission of the alleged occurrence and as per the medical evidence, she is stated to be aged between sixteen and eighteen years and there is a serious allegation



against this petitioner and as per prosecution's story narrated in the FIR, this petitioner by taking advantage of victim's loneliness intoxicated her and thereafter made sexual relationship with her and also recorded the incidence and thereafter circulated the video, in respect of the said allegation, the statements of the witnesses mentioned in paragraph No. 4, 5, 6 and 7 of case diary are relevant and a serious allegation appears against this petitioner as he not only raped the victim but also recorded the video of alleged sexual assault and thereafter circulated the same. Considering these facts, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

7. As petitioner's trial has started so, the trial Court is directed to expedite the trial of the petitioner and take steps to conclude the same in the next one year, if petitioner's trial is not concluded within the said period then he may renew his prayer for bail.

(Shailendra Singh, J.)

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