

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10179 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- SONBERSA District- Sitamarhi

JNANENDRA KUMAR DAS @ GYANENDRA KUMAR DAS @ GUDDU
Son of Vishwanath Das Resident of Village- Bhagwanpur, P.S.- Bathnaha,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar

For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State assisted by learned counsel for the
informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 366 A, 376
and 34 of the Indian Penal Code and Section 4/6 of the POCSO
Act.

As per the prosecution case, allegation against the
petitioner is that, on the false assurance of solemnizing marriage
with the victim/informant, he established physical relation with
the victim.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the
petitioner is not specific rather general and omnibus in nature.



He submits that the informant is aged about 22 years, according to the report submitted by the Medical Board, therefore, no case under POCSO Act is made out against the petitioner. He further relies on the judgment of the Hon'ble Supreme Court passed in the Case of ***Gurbaksh Singh Sibbia vs. The State of Punjab*** reported in ***AIR 1980 SC 1632***. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant oppose prayer for anticipatory bail.

Considering the facts and circumstances of the case, the report of the Medical Board and the judgment passed in the case of ***Gurbaksh Singh Sibbia*** (supra), let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sonbarsa P.S. Case No. 33 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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

