

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27805 of 2023**

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Patna

Sunny Kumar @ Suraj Kumar S/o- Late Indal Raut Bihar Lok Sabha Ayog,  
Patna Karamchari Quarter No. 6, P.S.- Sachivalaya Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Binay Krishna, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      24-07-2023                      Heard learned counsel for the petitioner and learned  
Special Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 05.06.2021 in connection with Special Case No.74 of 2021, arising out of Mahila P.S. Case No. 55 of 2021, F.I.R. dated 04.06.2021 for the offences punishable under Section 376 of the Indian Penal Code, Section 6 of the POCSO Act and Section 3(ii)(v) of the SC/ST Act.

3. According to prosecution case, the informant who is the father of the victim girl has given a written petition that his neighbor Sunny Kumar @ Suraj Kumar has committed rape/made relationship with victim (daughter of informant) as resulted victim became pregnant. On query victim told the matter to her parents and later on this case was lodged.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is government servant and the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that during investigation the sample of the petitioner has sent for DNA(F.S.L.) and the test of the DNA(F.S.L.) report dated 02.11.2021 has come and report suggest that no match was found with the pretest of the victim to the petitioner. He further submits that in view of the DNA/F.S.L. report no case is made out against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.06.2021.

5. The learned Special Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the DNA/F.S.L. not matched with the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna in



connection with Special Case No.74 of 2021, arising out of Mahila P.S. Case No. 55 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

