

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31573 of 2023

Arising Out of PS. Case No.-4 Year-2022 Thana- DAWATH District- Rohtas

Sannu Ram @ Sannu Kumar @ Sonu Kumar Son Of Bhuleton Ram R/O
Village- Gangati, Ward No.- 12, P.O.- Kowath, P.S.- Dawath, District- Rohtas.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Dawath
P.S. Case No. 04 of 2022 registered for the offence under
Sections 363, 376, 504, 506/34 of the Indian Penal Code and
Section 4/6 of POCSO Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.08.2022.

The allegation against the petitioner is to kidnap the
minor daughter of informant, aged about 15 years for the
purpose of illicit intercourse/marriage.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner falsely implicated with present case as love affair of petitioner with victim was not accepted by her parents. It is submitted that even from the statement of victim recorded under Section 164 of Cr.P.C., it cannot be said that penetrative sexual assault was committed upon her. It is further pointed out that medical report is also not supporting the allegation. While concluding the argument, it is submitted that petitioner is a man of clean antecedent, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that due to non-communication of the order, the I.O. of this case failed to appear on earlier occasion and this fact brought on record through counter affidavit dated 13.07.2023.

Considering the facts and circumstances as mentioned above and by taking note of fact as victim through her statement recorded under Section 164 of Cr.P.C. not alleging petitioner for penetrative sexual assault, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.08.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Dawath P.S. Case No. 04



of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Sessions Judge-7 cum Special Court POCSO, Rohtas at Sasaram/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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