

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55696 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- SONBERSA District- Saharsa

Sonam Kumar Yadav @ Priyadarshi Raj @ Priyadarshi Son of Dilip Yadav
R/V- Tamkulha, P.S- Sonvarsha Raj , Dist- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-02-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sonbarsa Raj P.S. Case No. 133 of 2022 giving rise to POCSO Case No. 48 of 2022 lodged under Sections 341, 323, 366A, 504, 506, 34 of the I.P.C., 1860 and Sections 8 and 12 of the Protection of Child from Sexual Offences Act, 2012.

As per the prosecution case, the informant has disclosed that her minor daughter went to *Chandisthan* in the name of study but she did not return till 10 pm, thereafter, the family members started searching their minor daughter. Then they received information that she was present at the house of

Sonam Kumar Yadav, when they reached there they found that a large gathering was present there. Upon query from the informant, the family members of the petitioner started abusing and assaulted them. They also threatened the victim girl's family that if criminal case would be filed against them, then their daughter would be killed. It has been alleged by the family that the petitioner and his family members have made their daughter disappear and there is a suspicion that they might have killed their daughter too.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 14.06.2022 having clean antecedent and charge sheet has already been filed in this case. Learned counsel submits that petitioner is the daughter of the informant became traceless and returned automatically. He submits that there may be existence of love affair between the petitioner and the alleged victim.

Learned counsel for the State opposes the prayer for bail and submits that if for the sake of argument, we assume that there is love affair between the petitioner and the alleged victim then also, petitioner is a major and victim is a minor and there is no consent of minor in the eye of law. He further submits that

upon recovery of the minor victim, her statement under Section 164 of Cr.P.C. has been recorded, by which, the alleged victim had categorically indicated that the petitioner has developed a physical relation with the victim 4 times forcefully.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner.

With this observation, the bail application stands rejected.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail one year after framing of charge.

(Dr. Anshuman, J.)

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