

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62726 of 2022

Arising Out of PS. Case No.-152 Year-2022 Thana- CHARPOKHARI District- Bhojpur

SAURABH KUMAR @ RITESH KUMAR, aged about 21 years, Gener,
Male, Son of Yogendra Prasad R/V- Nagaraon, P.S- Charpokhari, Dist-
Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhawati Devi Wife of Sri Harsh Narayan Singh R/V- Nagaraon, P.S-
Charpokhari, Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditi Singh, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 01-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Charpokhari P.S. Case No. 152 of 2022 dated 06.08.2022
registered for the offence(s) punishable under Section(s) 366(A)
of the Indian Penal Code and Sections 3 and 4 of POCSO Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the so-called victim has
recorded her statements under Sections 161 and 164 Cr.P.C., but
she made contradictory allegations in both the statements as
before the investigating officer she did not make any allegation
against the petitioner while she made allegations of kidnapping



and rape against this petitioner before the Judicial Magistrate, the said victim was recovered from her parents' house and her statement recorded under Section 164 of Cr.P.C. was tutored statement and the same was recorded by her on the instruction of victim's parents. Further submissions are that the victim was medically examined and as per medical expert's opinion, her age is above 18 years and she is major girl and the medical expert did not find any sign of rape on her person at the time of examination and during investigation, one witness Raj Narain Singh, who happens to be an uncle of victim, has not supported the allegation of rape, in fact the said victim had love affair with this petitioner and she left her parents' house according to her own will and moreover investigation has been completed and the higher police official, who supervised this case, also made the conclusion that there was love affair in between the petitioner and the victim and some witnesses also supported the said conclusion during investigation. Further submission is that the petitioner has fair and clean antecedent and he has been languishing in jail since 07.08.2022

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

5. Considering the above submissions and mainly



the petitioner's young age, the serious contradictions in between the victim's statement recorded under Section 161 and the statement recorded under Section 164 Cr.P.C. and also the facts that during investigation some witnesses supported petitioner's plea as to love affair in between this petitioner and the so-called victim and as per the medical expert's opinion, the victim's age is above 18 years and investigation has been completed against the petitioner, who has fair and clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Charpokhari P.S. Case No. 152 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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