

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71059 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Raushan Kumar, Son of Arjun Mahto, R/o vill - Manikpur, P.s. - Manikpur,
Surajgarha, Distt. - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with POCSO Case No. 31 of 2023 arising out of Surajgarha (Manikpur) P.S. Case No. 08 of 2023 registered for the alleged offences under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

3. As per prosecution case, petitioner forcibly established sexual relationship with the minor informant who became pregnant, later on there was miscarriage. Petitioner refused to marry with the informant and demanded money and jewellery.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Prosecution story is not believable and the petitioner has not committed rape upon the victim since no signs of rape were found on the victim. The occurrence is stated to have taken place ten months prior to the lodging of the FIR and this delay has not been explained properly. After investigation, police submitted charge-sheet in this case but none of the witnesses supported the prosecution case including the informant and her mother. Learned counsel further submits that no useful purpose would be served in keeping the petitioner behind the bar as he is in custody since 18.01.2023. Learned counsel further submits that petitioner has solemnized marriage with the informant. Learned counsel further submits that since trial court is vacant, the trial has not proceeded any further after examination of the informant before the learned trial court. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the informant was minor and she was sexually assaulted by the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the depositions of witnesses before the learned trial court in which they have absolved the petitioner from any wrong doing and



further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Lakhisarai/concerned court in connection with POCSO Case No. 31 of 2023 arising out of Surajgarha (Manikpur) P.S. Case No. 08 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the parents of the informant.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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