

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65766 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- PUPRI District- Sitamarhi

Sanni Kumar @ Shani Deval Kumar Son of Shiv Kumar Bhagat R/o- Ward
No. 13, Post- Baburaban, Yusufpur, Bajpatti, District- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Raghvendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 04-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Pupri P.S.
Case No. 88 of 2022 dated 28.03.2022 registered for the
offences punishable under Sections 363 and 366(A)/34 of the
Indian Penal Code and Section 8 of POCSO Act.
3. The main submissions advanced by learned counsel for
petitioner are that in the FIR the victim's age has been
mentioned as thirteen years but in actual as per medical expert's
opinion her age is between sixteen to eighteen years and
petitioner is also a very young person aged about eighteen years
and two co-accused persons namely, Shiv Kumar Bhagat and
Deepak Kumar have been granted bail by different benches of
this Court vide orders passed in Cr. Misc. No. 65829 of 2022

and Cr. Misc. No. 34024 of 2022 respectively and victim has been recovered and she has recorded her statements under Section 161 and 164 of Cr.P.C. and she accepted her love affair with this petitioner and revealed that she was assaulted by her mother when she came to know about the said love affair and she further revealed that on account of being tortured she herself left the house of her mother according to her own will and went to the house of this petitioner where she stayed for some days but she did not make any allegation of sexual assault against this petitioner and she did not whisper any word to show that the petitioner induced the victim for leaving her mother's house and the said statement has been recorded by her before the Judicial Magistrate under Section 164 of Cr.P.C. and moreover, the investigation against him has been completed and petitioner has been languishing in jail since 30.03.2022.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the victim's statement recorded under Section 164 of Cr. P.C. which goes against the allegation levelled in the FIR and petitioner is stated to be a very young person having fair and clean antecedent and against him the investigation has been

completed, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Pupri P.S. Case No. 88 of 2022.

(Shailendra Singh, J)

Shahnawaz/-

U		T	
---	--	---	--