

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.971 of 2023

Arising Out of PS. Case No.-865 Year-2022 Thana- JAHANABAD District- Jehanabad

Saurav Kumar, Son Of Teju Pd., resident Of Janta Road, P.S.- Gardani Bagh,
Dist.- Patna, A/P Kazi Sarai, P.S.- Kako, Dist.- Jehanabad At His Nani Ghar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the offences punishable under Sections 370(a)/ 34 of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Traffic Prevention Act, 1956 and Section 8 of the POCSO Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 13.09.2022 and is aged about 19 years, he is a person with clean antecedent.

It is next submitted that in the cause title of the bail application, inadvertently the age of the petitioner has been typed as 49 years when from perusal of the F.I.R., it would manifest that he is 19 years of age.

It is next submitted that the informant alleges that



during raid of two rest houses, several persons along with girls were apprehended and the petitioner along with a girl was also apprehended and several objectionable materials were found from the rest houses.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the impugned order itself, it would manifest that the boys and the girls were apprehended. They disclosed that they were boy friends and girl friends. It is next submitted that though the impugned order also records that the victim was a minor, but then, she had reached the age of discretion.

The learned counsel for the petitioner next submits that the victim is a major and the impugned order merely records that the date of birth of the victim reveals that she is a minor, but then, the age of the victim is not recorded in the order. The learned counsel next submits that no doubt, the petitioner and the girls, who were apprehended, were known to each other and had also accompanied each other voluntarily and it is not a case of rape. It is next submitted that the petitioner is a student and his entire career would be jeopardized in the event, if he remains in judicial custody for long as chances are bright



that he may come in contact with hardened criminals.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No.93 of 2022 arising out of Jehanabad Town P. S. Case No.865 of 2022, subject to condition that one of the bailors of the petitioner shall be his father Teju Prasad.

The application stands allowed.

(Satyavrat Verma, J)

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