

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4063 of 2024

Arising Out of PS. Case No.-831 Year-2023 Thana- SHERGHATI District- Gaya

SANUJ KUMAR @ SANOJ KUMAR SON OF LAKSHMAN DAS
RESIDENT OF VILLAGE - PINDRA KHURD, POLICE STATION -
DOBHI, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Sherghati
(Dobhi) P.S. Case No. 831 of 2023 registered for the offences
punishable under Sections 376, 376(3) of the Indian Penal
Code and Sections 4 & 6 of POCSO Act.

3. The allegation against the petitioner is that he
committed rape upon the informant's daughter.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No such occurrence as alleged ever took place. He has
been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is totally false and based on concocted facts. He was not caught on the spot. From bare persual of the FIR, it appears that the informant searched the victim near the house of Ram Pariccha Ram, but it is not clear as to why she searched the victim near his house. It is also not clear that as to why the informant did not catch Sanoj Kumar on the spot and why she did not inform the police at the time of occurrence. There is no eye witness of the alleged occurrence. It is further submitted that both the parties are co-villagers and there is previous enmity between them arising out of land dispute. The name of the petitioner has been transpired in the present case merely due to village politics. It is further submitted that as per the medical report of the victim, her age was found about 18-20 years old. Therefore, no case under POCSO Act is made out against the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has supported the prosecution case. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as



well as the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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