

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15921 of 2024

Arising Out of PS. Case No.-671 Year-2023 Thana- SULTANGANJ District- Bhagalpur

Krishna Kumar @ Krishn Kumar, aged about 19 years, Gender-Male, S/O-
Sudhir Prasad Singh, R/O- Village- Udhadih, P.S.- Sultanganj, Dist.-
Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Rupam Kumari, D/o- Hiralal Mandal, Resident of Village- Udhadih, P.S-
Sultanganj, Dist.- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Parties : Mrs. Sharda Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 19-06-2024 This matter has been listed under the heading “For
Orders (on office notes)”.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
POCSO Case No. 289 of 2023 arising out of Sultanganj P.S.
Case No. 671 of 2023 dated 30.11.2023 registered for the
offences punishable under Section 376 of the I.P.C. and Section
4 of POCSO Act.



4. As per the prosecution case, the victim was in love with the petitioner for the last one year as they were talking through mobile. So, on 29.01.2023, he called her at '*Thakur Bari Mandir*' near the village and he put vermilion on her head by saying that he would marry with her and established physical relation with her but he did not take her with his home, so, dispute arose between both, in the meantime, the villagers gathered there and police also arrived and took away the petitioner to the police station. It is further alleged that she disclosed about the physical relation to the woman police at the police station. It is further alleged that the petitioner has been establishing physical relation with her for the last one year.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim is 17 years old and she was in love with the petitioner for the last one year. From perusal of the F.I.R., it appears that the victim herself compelled the petitioner to marry and put vermilion on her head and ready to go to the house of the petitioner and when the villagers and police came at the temple she did not disclose regarding her rape surprisingly on 29.11.2023 but on 30.11.2023, she alleged regarding rape. The statement of the victim under Section 164



Cr.P.C. has been recorded in which she has stated that with consent both have made physical relation with each other. The victim has been medically examined and the doctor has found no sign of rape and the age of the victim is found 17-19 years old. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 01.12.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VII-cum-Special Court POCSO Act, Bhagalpur in connection with POCSO Case No. 289 of 2023 arising out of Sultanganj P.S. Case No. 671 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are



liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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