

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20763 of 2024

Arising Out of PS. Case No.-115 Year-2023 Thana- BEN P.S. District- Nalanda

Sanni Kumar S/O- Late Lalit Paswan R/O- Village- Makhdumpur, P.S.- Ben,
Dist.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with POCSO Case No.139 of 2023, arising out of Ben P.S. Case No.115 of 2023, lodged on 09.08.2023, under Section 493/376/323/504/34 of the Indian Penal Code and under Section 4/6 of the POCSO Act.

3. As per the prosecution, the allegation against the present petitioner that he has developed physical relation with the daughter of the informant and when this matter was disclosed among the society then other accused persons started abusing the informant. Thereafter, the present case has been



filed.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 10.09.2023 having no criminal antecedent. Counsel submits that in the FIR itself the age of alleged victim has been disclosed by her mother that she is major. He further submits that it has also been disclosed in the FIR that both are residing adjacent to each other. It is due to reason counsel submits that if there is any physical relation developed it is due to their consent. Counsel submits that the question of consent and consented physical relation transpires from the content of the FIR itself. Counsel further submits that charge has already been framed in this case and evidence is going on. Counsel submits that during the evidence the informant become hostile but victim has disclosed that the said Sunny Kumar named in the FIR and the Sunny who has developed physical relation with her are two different persons.

5. After going through the certified copy of the evidence Additional Public Prosecutor has also supported the contention made by the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above



named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special POCSO Court, Biharsharif, Nalanda, in connection with POCSO Case No.139 of 2023, arising out of Ben P.S. Case No.115 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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