

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1596 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- KAHALGAON District- Bhagalpur

CHHOTU KUMAR SON OF BAL KUMAR MANDAL RESIDENT OF
VILLAGE - HABIBPUR LOGAY, P.S. - SHIVNARAYANPUR, DISTT. -
BHAGALPUR

... .. Appellant/s

Versus

1. THE STATE OF BIHAR BIHAR
2. SAMO DEVI WIFE OF KHELI TANTI RESIDENT OF HABIBPUR
LOGAY, P.S. - SHIVNARAYANPUR, DISTT. - BHAGALPUR

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Swapnil Kumar Singh
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 29-11-2024 1. Heard the parties.

2. The appellant seeks regular bail in connection with Kahalgoan Shivnaryanpur P.S. Case No. 667 of 2022 registered for the offence under Section 376 / 504 / 506 / 34 of the IPC, Section 4/ 6 of the POCSO Act and Section 3 (i)(r)(s) (w) / 3 (2)(v) of the S.C./S.T. Act and for setting aside the order dated 04.03.2023 passed in SPL POCSO Case No. 124 / 2022 arising out of Kahalgoan Shivnaryanpur P.S. Case No. 667 of 2022 by learned Addl. District & Sessions Judge VII cum Exclusive Spl Judge, POCSO, Bhagalpur.

3. As per the first information report on 03.06.2022 the minor daughter of the informant had gone to attend nature's call in an



orchard where the appellant committed rape on her. Subsequently, on 26.06.2022 the informant's daughter had again gone to the orchard for attending nature's call and she was raped by the appellant / Chhotu Kumar.

4. Learned counsel for the appellant submits that both appellant and the victim girl was having love relationship and the age of the victim as per the medical report is said to be just below 18 years and the age of the appellant is 19 years. It was a case of adolescent love. The appellant was pressurized by the side of the informant for marriage but due to objection from the family members of the appellant the marriage proposal could not be finalized and the present F.I.R. has been lodged. The appellant is in custody for more than 02 years i.e. since 02.10.2022 and there is no likelihood that the trial will conclude in near future and the appellant is having no other criminal antecedent.

5. Despite service of notice, no body appears for the respondent no. 2.

6. Regard being had to the submission made by the parties, taking into consideration the period of custody and the fact that there is no likelihood that the appellant will abscond or tamper with the evidence, I am inclined to grant regular bail to the



appellant.

7. Accordingly, the order dated 04.03.2023 passed in SPL POSCO Case No. 124 of 2022 arising out of Kahalgoan Shivnaryanpur P.S. Case No. 667 of 2022 by learned Addl. District & Sessions Judge VII -cum- Exclusive Spl Judge, POCSO, Bhagalpur is hereby set aside.

8. Let the appellant, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge VII cum Exclusive Spl. Judge, POCSO, Bhagalpur in connection with Kahalgoan Shivnaryanpur P.S. Case No. 667 of 2022.

(Anil Kumar Sinha, J)

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