

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31259 of 2024

Arising Out of PS. Case No.-95 Year-2019 Thana- SURSAND District- Sitamarhi

Raja Kumar @ Shivam Kumar Son of Sanjit Ray @ Sanjit Raut Resident of
village - Sursand Uttari, P.S.- Sursand, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

:

Mrs. Divya Bharti, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sursand P.S. Case No. 95 of 2019 instituted under Section
376 of the Indian Penal Code and under Section 4/6 of the POCSO
Act.

3. As per the prosecution case, when the victim went
outside her house for natural call, petitioner pulled her hand and
committed rape upon her.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case
due to village politics. He further submits that the victim has not
supported the prosecution case in her statement and the police had
also submitted the final report finding the allegation to be false,
however, cognizance of the offence has been taken against the



petitioner. Learned counsel submits that the medical report does not corroborate the allegation of the victim and the age of the victim is estimated between 18 to 19 years. He further submits that the victim also given petition to effect that no such occurrence has taken place, her signature was taken enticing that she would got money. He also submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO ACT), Sitamarhi in connection with Sursand P.S. Case No.95 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

Ritik/Ankit-

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