

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37428 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- NOORSARAI District- Nalanda

Sanni Kumar, son of Shankar Paswan Village- Barakhurd Ps- Noorsarai Dist-
Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Ms.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 366(A), 376, 506 and 509 of the Indian Penal
Code, Sections 4 and 6 of the POCSO Act and 66(E) of the
I.T. Act.

3. The learned counsel for the petitioner submits
that the petitioner is a person with clean antecedent and the
informant alleges that victim since childhood is residing with
him and during coaching, she came in contact with the
petitioner and petitioner started blackmailing the victim on



pretext of making her objectionable photo and video viral and even threatened. Further, the informant informed the mother and maternal uncle (*Mama*) of the petitioner about the occurrence. It is next alleged that petitioner along with his mother and *Mama* on 08.06.2023 made the victim eloped with them.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is next submitted that no doubt, victim was known to the petitioner being mates in a coaching institute, but the victim was in love with Om Prakash and she eloped with him. It is next submitted that during the course of investigation, it transpired that victim used to talk on mobile no.8340366863 and the said mobile was registered in the name of one Om Prakash, who was apprehended as wife of the informant had disclosed that she talked to the victim on the aforesaid mobile, who disclosed that she was in Kolkata with Om Prakash. Further, Om Prakash even confessed that he had kidnapped the victim. The victim was recovered on 09.07.2023 and refused her medical check up. It is next



submitted that since the victim refused her medical check up, as such, there is no evidence of rape nor the allegation as alleged in the F.I.R. even remotely suggests that the petitioner was involved in committing any wrong against the victim, though there is allegation that he along with his mother and *Mama* enticed and made her elope which stands falsified from the investigation carried by the police. It is also submitted that the statement of the victim was also recorded under Section 161 of the Cr.P.C. wherein she disclosed that she had gone with Om Prakash, but then, it was because of the torture being committed by the petitioner. It is submitted that thereafter, her statement was also recorded under Section 164 of the Cr.P.C. wherein she stated the same facts which she stated before the police under Section 161 Cr.P.C.

5. The learned counsel for the petitioner submits that petitioner has been implicated in the instant case based on suspicion, when the fact is that the victim had eloped with Om Prakash and Om Prakash in his confessional statement even accepted that he had kidnapped the victim,



but since the F.I.R. came to be instituted against the petitioner, as such, under parental pressure, the victim was made to make the said statement. It is also submitted that charge-sheet no.479 of 2023 dated 31.08.2023 has been submitted under Sections 366A and 376, 506 and 509 of the I.P.C. read with Sections 4 and 6 of the POCSO Act and Section 66(E) of the I. T. Act against Om Prakash and the investigation against the petitioner is continuing. It is also submitted that petitioner will not abscond rather will cooperate in the investigation and trial.

6. Learned A.P.P. opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VII-cum-



Special Judge, POCSO, Nalanda, Bihar Sharif in connection with Nursarai P. S. Case No.258 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. with a condition that one of the bailors of the petitioner shall be his father, namely, Shankar Paswan.

8. The application stands allowed.

9. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, in that event, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Further, it is made clear that in the event, if charge-sheet is submitted against the petitioner and thereafter, the learned trial Court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, in that event also, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner.



11. Let a copy of this order be sent to the
concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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