

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30831 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- KHAIRA District- Saran

Sonu Kumar @ Jaddu, Male, aged about 20 years, Son of Ramayan Shah,
Resident of Village- Koreyan @ Koreya, P.S.- Khaira, Dist.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party : Mr. Chandra Sen Prasad Singh, A.P.P.

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

ORAL ORDER

3 11-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khaira
P.S. Case No. 490 of 2023 dated 24.12.2023 registered for the
offences punishable under Sections 376DA of the I.P.C.,
Sections 4 and 6 of the POCSO Act and Section 67 of the I.T.
Act.

3. As per the prosecution case, the petitioner and the co-
accused persons are alleged to have committed rape on the
informant's grand-daughter and made a video of it and
threatened to make the same viral.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that the occurrence took place on 18.12.2023 and the F.I.R. has been lodged on 24.12.2023 after a delay of seven days for which no explanation has been given by the prosecution. The victim has been examined and the doctor has opined the age of the victim is a major i.e., 18 years. The victim in her statement before the Investigating Officer as well as the before learned court below has stated that she has gone to see the co-accused Mithilesh Kumar with her own sweet will meaning thereby she was in love with the said co-accused Mithilesh Kumar. The family members of the victim were not happy with the love affair between the co-accused Mithilesh Kumar and the victim, therefore, the informant has filed the present false case against the petitioner and others. There is contradiction in the statement of the victim before the Informant, I.O. and learned Judicial Magistrate in 164 Cr.P.C. statement. The bail application of other co-accused Rajan Kumar has already been rejected by a Bench of this Court vide Cr. Misc. No. 31343 of 2024 under order dated 01.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 25.12.2023.

5. Learned A.P.P. for the State has opposed the prayer



for bail petition of the petitioner. It has further been submitted by learned A.P.P. for the State that the victim has supported the facts in her statement recorded under Sections 161 Cr.P.C. as well as 164 Cr.P.C. The Medical Board has assessed the age of the victim as 18 years and suggests that there is strong evidence of intercourse with the victim within five to seven days.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Khaira P.S. Case No. 490 of 2023, pending in the court of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Saran at Chapra.

7. The learned court below is directed to expedite the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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