

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36751 of 2024

Arising Out of PS. Case No.-71 Year-2023 Thana- MAHILA PS District- Buxar

=====

Suraj Gupta @ Suraj Kumar Gupta Son of Jaiprakash Gupta Resident of
Village - Naya Bhojpur, P.S.- Dumraon (Naya Bhojpur O.P.), District - Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari Daughter of Shivajee Prasad Resident of Village - Naya Bhojpur, P.S.- Dumraon (Naya Bhojpur O.P.), District - Buxar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Adv.
For the State	:	Mr. Ajay Kumar Jha, APP
For the Informant/s	:	Ms. Dimpal Kumari, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 30-09-2024 Heard learned counsel for the petitioner and

learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Buxar Mahila P.S. Case No. 71 of 2023 dated 19.12.2023 registered for the offences punishable u/ss 323, 376 read with section 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per the prosecution case, the informant/victim, aged about 16 years, used to go Raj Plus Two High School every day to study. On the way to school, accused Suraj Gupta met the victim and talked about marrying her. He used to bring the victim to the Smart City Hotel (Maharaja Gate, New Bhojpur) every day and had physical relations with her.

This continued for one year. When the victim talked about their marriage, then the accused refused to marry. When the victim's parents told this to Suraj Gupta's parents and requested them to marry, they abused the victim's parents and drove them out of the house and said that Suraj Gupta is already married.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is named in the F.I.R. The petitioner is a married person and his marriage was solemnized in the year 2010 itself and out of the wedlock, he has been blessed with three children. The petitioner did not give assurance of marriage, nor did he have physical relations with the victim. As per the medical report, the age of the victim has been observed 19-20 years and the victim refused for examination of her private parts. As per the statement of the victim recorded under Section 164 of the Cr.P.C., there was love affair between the petitioner and the victim and she did not want to lodge this case. Her father got this case lodged after receiving money. The victim in her statement recorded under Section 164 of the Cr.P.C. has not stated about sexual assault. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.01.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Buxar in connection with Buxar Mahila P.S. Case No. 71 of 2023 with condition:-

(i) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

sadique/-

U		T	
---	--	---	--