

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49434 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- SIMRI District- Buxar

Sandeep Kumar Son Of Deena Mahto @ Dinanath Mahto Village- Amarai,
Ps- Bihiya, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Kumari Daughter Of Dhandrma Singh Village- Kajipur, Ps- Simri,
Dist- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr.Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Simri
P.S. Case No. 96 of 2024 instituted for the offence under Section
376 of the Indian Penal Code and Sections 8/12 of the POCSO
Act.

3. Prosecution case in short is that marriage of the
petitioner was fixed with the informant in the year 2018, but due
to the fact that the informant was minor, it was decided that
marriage will be performed only after informant attains
majority. It is alleged that, in the meantime, petitioner has
sexually assaulted the informant.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24-04-2024. Petitioner is stated to be man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that as per the FIR no date and time of the occurrence is mentioned and informant was major at the time of lodging of the FIR, hence, POCSO Act is not attracted against the petitioner. It is next submitted that Section 164 of Cr.P.C. Statement does not corroborate with the allegation levelled against the petitioner and informant/victim had refused to undergo internal medical examination. It is lastly submitted that charge sheet has already been submitted in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material of sexual assault and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Simri P.S. Case No. 96 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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