

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56402 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- GURUA District- Gaya

Raja Kumar @ Subhash Gaurav Son of Birendra Yadav @ Birendra Kumar
R/V- VILLAGE- DHIBRA, P.S.- GURUA, DISTT.- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simran Kumari D/O-Kamlesh Thakur R/V- VILLAGE- DHIBRA, P.S.- GURUA, DISTT.- GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Pranav Kumar, APP
For Opposite Party No.2	:	Mr. Sanjay Kumar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-12-2024 Heard learned counsels for the parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 376, 511, 341, 342, 323 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. The case of the prosecution, in brief, is that the informant, namely Simran Kumari, alleges that on 05.04.2024 at about 1 PM, when she went to house of one Ashish Kumar for playing with his brother's son, in the meantime, all the accused persons named in the F.I.R., including this petitioner, tried to disrobe her and commit rape by locking her in a room after which, the victim fell unconscious and later on at 6 PM, she regained consciousness and fled away from the room.



4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in this case at the instance of informant's father, who opposed the love affair between this petitioner and informant. The victim as well as this petitioner was examined by the board of doctors on the date of occurrence and they opined that there was no evidence of recent intercourse. During course of investigation, independent witnesses have clearly stated that there was love affair between the petitioner and the victim. As a matter of fact, on the alleged date of occurrence, when the father of the informant/victim came to know about the love affair of the petitioner and informant, he got this false and concocted case lodged forcefully. Petitioner is himself a victim of this case. Petitioner is in custody since 08.04.2024 and charge-sheet has already been submitted.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that he, along with other accused persons, tried to commit rape upon the victim.

6. Considering the aforesaid facts and circumstances



of the case, rival submissions, materials surfaced during course of investigation and period of custody, the prayer for grant bail of to the petitioner is allowed.

7. Accordingly, let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO-cum-Additional Sessions Judge-VII, Gaya, in connection with Gurua P.S. Case No. 120 of 2024.

(Prabhat Kumar Singh, J)

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