

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57041 of 2024

Arising Out of PS. Case No.-272 Year-2024 Thana- SIWAN MUFFASIL District- Siwan

Bullet Ram @ Vicky Kumar Son Of Rajesh Pasi Village- Mohadipur, Ps-
Siwan Muffasil, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sima Devi Wife of Balister Ram Resident of Village- Mahodipur, P.S.-
Muffasil, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyam Kishore, Advocate
For the State	:	Ms. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Ranjan Kumar Dubey, Advocate
	:	Mr. Kumar Gaurav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-12-2024 Heard Mr. Shyam Kishore, learned counsel for

the petitioner and Mr. Ranjan Kumar Dubey learned counsel

representing the informant as also learned APP for the State.

2. The petitioner is in judicial custody in connection
with Muffasil P.S. Case No. 272 of 2024 for the offences
punishable under Section 366-A of the Indian Penal Code,
lodged on 11.05.2024 by the informant, Sima Devi.

3. As per the prosecution story, the informant alleged
that her daughter was went to purchase certain house hold item
but failed to return, later came to know that the petitioner and
his family member have taken her away to tie nuptial knots.
This led to the F.I.R.



4. Subsequently, the victim girl was recovered from Gorakhpur and in her first statement before the police she stated that the girl went on her own being assaulted by her mother, along with the petitioner, solemnized marriage at Gorakhpur and stayed there for some time before the Police came and picked her up.

5. Subsequently, the statement was recorded under section 164 of the Cr.P.C. where the girl changed track and recorded that the boy took her away in a Truck to Gorakhpur and tried to commit rape but she always she used to push him away.

6. According to the medical report, no evidence of recent sexual assault has been recorded and the lady Medical Officer has further opined the age of the girl as between 18 to 20 years.

7. Learned counsel for the petitioner submits that the boy also is of 20 years age, student, and has already suffered by being in custody since 04.06.2024 (paragraph no.19 of the petition) having no criminal antecedent, if granted relief he shall be diligently appearing in trial.

8. Learned counsel for the informant Mr. Ranjan Kumar Dubey on the other hand disputed the medical opinion submitting that as per the Municipal Corporation birth certificate, she is only 12 years of age. Further, the 164 Cr.P.C.



statement of the girl clearly supports the prosecution story despite the fact that the medical opinion has opined about no sexual assault recently.

9. Upon query from the Court as to whether the age determined by the Medical Board was countered by the informant side by filing an appropriate petition before the concerned court, the answer is in negative.

10. The case has been lodged, the Trial will take its journey, the boy is 20 years of age, the Medical Board has opined the girl to be between 18 to 20 years of age, no recent sexual assault has been recorded, he is in custody since 04.06.2024 having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court of POCSO, Siwan in connection with Muffasil P.S. Case No. 272 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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