

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59135 of 2024

Arising Out of PS. Case No.-257 Year-2023 Thana- MAKER District- Saran

Prabhat Kumar Son of Rajnath Singh @ Birbal Singh Resident of Village -
Hasanpura, P.S. - Maker, District – Saran

... ..
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Rakesh Kumar Sri Surendra Singh Resident of Village - Paschim Thahra,
P.S. - Maker, District - Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.
For the Opposite Party/s : Ms. Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Maker P.S. Case No. 257 of 2023 dated 30.12.2023,
instituted for the offence punishable under Sections 420, 376
AD of the Indian Penal Code and Section 4/6 of the POCSO
Act.

3. The allegation against the petitioner is that he raped
the sister of the informant, who is aged about 14 years. It is
further alleged that on assurance of marriage, he established
physical relation with the sister of the informant. On 10.12.2023
when the petitioner was coming to meet her at night, he was
caught by some villagers and then he became ready to marry



her but on being released, he refused to marry with the sister of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the statement of the victim has been recorded u/s 164 of the Cr.P.C. in which she has stated that the petitioner established physical relation with her on the pretext of marriage. It is further submitted that the girl was examined by the doctor on 12.12.2023 and the doctor opined the age of the girl to be above 22 years and there is no evidence of sexual intercourse. It is further submitted that this case has been lodged only due to refusal of marriage with the sister of the informant. It is also submitted that the alleged date of occurrence is 10.12.2023 and the present FIR was lodged on 30.12.2023 without any plausible explanation of delay. It is next submitted that as per the medical report, the victim girl is aged about 22 years and thus, Section 4 and 6 of the POCSO Act are not applicable in the aforesaid facts and circumstances. Lastly, it has been submitted that the petitioner is aged about 20 years and having clean antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Maker P.S. Case No. 257 of 2023, he will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Saran, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate



the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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