

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63544 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- SIKANDRA District- Jamui

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Kundan Kumar @ Gunjan Kumar S/o Ajay Tanti R/o Bali, P.S. - Sikandra,
Distt. - Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloini Kumari D/o Parshuram Tanti R/o vill - Pursanda, P.s. - Halsi, Distt. -
Lakhisarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sikandra P.S. Case No. 40 of 2024 dated 02.02.2024 registered for the offences punishable under Sections 376, 341, 323, 504 read with Section 34 of the Indian Penal Code and Section 6 and 8 of POCSO Act.

3. As per the prosecution case, on 31.01.2024, when the victim went to attend the call of nature then the petitioner came there and forcibly committed rape on the informant. The petitioner used to established physical relationship with her for one year on the pretext of marriage. It is further alleged that



when the informant and her family members along with other co-villagers went to the house of the petitioner then his sister and mother started abusing them and they also assaulted her maternal grand-mother.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The occurrence took place on 31.12.2024 but the FIR was lodged on 02.02.2024 and there is no explanation for this delay. The name of the petitioner has transpired in this case merely on suspicion. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.02.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the specific allegation is against the petitioner. It is further submitted that the victim is a minor girl. The victim in her statement recorded under Section 164 of the Cr.P.C. has stated that the age of the victim is 14 years and also submitted in her restatement in Para-2 of the case diary that when the victim went to attend the call of nature, he forcibly sexually assaulted her, which gets support



from the medical report. At para-3 and 4 of the case diary, the victim’s grand-mother and Pradeep Tanti (Mama) has supported the prosecution case.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of offence against the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sikandra P.S. Case No. 40 of 2024, pending in the Court of learned Additional Sessions Judge-1, Jamui.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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