

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69582 of 2024

Arising Out of PS. Case No.-446 Year-2024 Thana- MAJHAULIA District- West Champaran

Sunni Kumar @ Sanny Kumar Son of Jatashankar Prasad village- Sirisiya
Adda, PS- Sirisiya District -West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Manoj Kumar Singh village- Madhopur, ward no. 02, Ps-
Majhauriya, Dist- West Chammparan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Krishna Kant Pandey, Adv.

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

ORAL ORDER

3 04-12-2024 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 446 of 2024 instituted for the
offences under Sections 376, 506, 34 of the Indian Penal Code
and Section 4 & 6 of the POCSO Act and Section 67 of the I.T.
Act.

3. As per prosecution case, the accusation against the
petitioner is of forcefully establishing physical relation with the
minor victim girl on the pretext of marriage.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the alleged date of occurrence is 12.06.2024 but, the Informant has lodged the F.I.R on 11.07.2024 i.e. after inordinate delay of about one month without there being any plausible explanation for such delay which creates doubt in the prosecution case. The medical report of the so-called victim does not corroborate the allegation made in the F.I.R. as the doctor has not found any recent sign of sexual activity. No spermatozoa was also found in the vaginal swab. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.07.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is a direct allegation of establishing physical relation with the minor victim on the pretext of marriage.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the medical report of the victim girl, let the petitioner,



abovenamed, be released on bail 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 Majhauriya P.S. Case No. 446 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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