

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65385 of 2023

Arising Out of PS. Case No.-136 Year-2013 Thana- DEWARIA District- Muzaffarpur

Sonu Kumar @ Tinku Kumar @ Sonu Kumar Ram @ Tinku Son Of
Bhagaynarayan Ram @ Ram Bhajan Ram @ Ravi Bhagan Ram Village
Deoriya Ps Deoriya District Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Asharfi Ram Son Of Late Prasad Ram Village- Deoriya, Ps- Deoriya, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 376 and 511 of the
Indian Penal Code.

3. It is a case of attempt to commit rape upon the
granddaughter of the informant by the petitioner while she had
gone to cut the grass in the field .

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case due to previous
enmity. It is further submitted that as per version of the informant,
the allegation against the petitioner was an attempt to commit rape



upon the victim not to commit rape upon her. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner has surrendered on 07.07.2023 and since then he is languishing in judicial custody.

5. The application for bail is opposed by learned APP for the State and submitted that due to not surrendering the petitioner before the trial court the case is pending since 2013. The petitioner has not cooperating in the trial of the said case which is a glaring mistake.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Session Judge-cum- Special Judge, POCSO, Court No. 3, Muzaffarpur in connection with Deoriya P.S. Case No. 136 of 2013.

(Sunil Kumar Panwar, J)

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