

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73387 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- MAHILA P.S. District- Purnia

Hansraj Bharti @ Raja Kumar Son of Naval Kishor Yadav Resident of Village
- Tetrahi, Ward No.- 05, Police Station - Janki Nagar, District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Mahila P.S. Case No. 56 of 2022, registered for the offences punishable under Sections 376, 313, 504, 506 and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. As per the prosecution case, the daughter of the informant got stomach pain and on query she disclosed that when she was going to study in Golden Public Coaching Centre, the petitioner enticed her for giving mobile phone and near the bamboo orchard he committed rape with her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is aged about 19



years old and is a student of intermediate. He also submits that the petitioner is falsely implicated in this case due to rivalry between the father of the petitioner and father of the victim. He further submits that the medical report of the victim girl discloses that there was no sign of rape or abortion. He also submits that the alleged occurrence had taken place on 12.06.2022, however, the FIR was lodged on 03.12.2022 and the reason for delay has been stated that the compromise talk was going on between the parties which itself shows the doubt in prosecution case. He further submits that the petitioner is suffering from serious eye problem for which the treatment is going on in Super Eye Specialty Hospital at Chennai. He also submits that that charge-sheet has already been submitted in this case against the petitioner and there is no chance of absconding the petitioner or tampering with the evidence. He further submits that the petitioner has no criminal antecedent and he is in jail custody since 23.08.2023.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail



bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge (POCSO) – cum - 1st Additional Sessions Judge, Purnea or Concerned Court Below in connection with Mahila P.S. Case No. 56 of 2022, subject to the following conditions:-

(i) One of the bailors shall be own/close member of the family of the petitioner.

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

(Sunil Dutta Mishra, J)

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