

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3688 of 2024

Arising Out of PS. Case No.-53 Year-2023 Thana- MAHILA P.S. District- Nalanda

Sonu Kumar, Son Of Late Upendra Prasad Resident of Village- Chhaterpur
Ps- Bind, At Present Khandakpar, Ps- Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 376 and 506 of the
Indian Penal Code and Sections 4/6 of the POCSO Act.

3. The allegation against the petitioner is of
committing rape upon the informant on the false pretext of
marriage.

4. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due to ill-
motive. He has committed no offence. According to prosecution
case, the alleged occurrence has been occurring since December
2022, whereas the FIR has been lodged on 02.09.2023. He
submitted that the victim was admitted for getting education in



Aganbari Center, Karma Bazar, Code No. 105, which is evident from the attendance register of Aganbari center from the month of February, 2006 to February 2007, victim was three years old that time. Further, as per attendance registered of Aganbari center the age of the victim is about 21 years old at the time of lodging the F.I.R and the victim has been taken her statement recorded u/s 164 of the Cr.P.C. after lapse of much time, which is a afterthought statement. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 03.09.2023.

5. The application for bail is opposed by learned APP for the State, learned counsel for the informant and submitted that the petitioner established physical relation with the victim who is minor at the time of occurrence.

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 Additional Sessions Judge-II-cum-Special Judge POCSO,



Nalanda at Biharsharif in connection with Mahila P.S. Case No.
53 of 2023.

(Sunil Kumar Panwar, J)

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