

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3892 of 2025**

Arising Out of PS. Case No.-712 Year-2023 Thana- SURSAND District- Sitamarhi

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Bittu Singh @ Bittu Kumar @ Aman Kumar S/o Vinay Kumar Singh @  
Vinay Singh Resident of Village- Matauna, P.S.- Sursand, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi W/o Biltu Sah Resident of Village- Matauna, Ward No. 12, P.S.-  
Sursand, Dist- Sitamarhi

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

3      25-04-2025                      Learned counsel for the petitioner and learned  
counsel for the State are present. Learned counsel for the  
opposite party No. 2 who appeared suo motu, however, on  
repeated calls he is not present.

2. The petitioner seeks regular bail in connection with  
Sursand P.S. Case No. 712 of 2023, lodged on 17.12.2023,  
under Sections 341, 323, 376, 504, 506 and 34 of the Indian  
Penal Code.

3. As per the prosecution, F.I.R. has been lodged  
against nine named accused persons, including the present  
petitioner, alleging that the petitioner, at gunpoint, attempted to  
outrage the modesty of the informant's daughter and developed  
a physical relationship with her. When local persons arrived at



the scene, the accused persons fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that there is a delay in lodging the F.I.R., as the alleged occurrence took place on 21.11.2023, whereas the F.I.R. was lodged only on 17.12.2023, after a delay of about 26 days. Counsel also submits that the petitioner's side had earlier lodged a case, bearing Sursand P.S. Case No. 706 of 2023, against the informant's side, in which the petitioner was brutally assaulted by the accused persons, who are relatives of the informant in the present case. As a result of the said assault, the petitioner sustained grievous injuries and went for treatment at PMCH, Patna.

5. Counsel further submits that the present case is the result of the case filed by the petitioner for the date of occurrence on 21.11.2023 with a view to save their own skin. It is further submitted that the petitioner and the alleged victim are residents of the same village. Counsel also submits that the petitioner has only one criminal antecedent and has been in custody since 30.09.2024. Additionally, it is submitted that the victim was examined on 18.12.2023, and her age was



ascertained to be between 18 and 20 years. No conclusive findings of rape or any signs of sexual assault were found by the doctor, as per the report annexed as Annexure-5.

6. Learned APP for the State opposes the prayer for bail and submits that there are specific allegations against the petitioner in the present case.

7. In view of the facts and circumstances of the present case, and the submissions made above, as well as considering the medical report which assesses the age of the alleged victim to be between 18–20 years and records neither any sign of sexual assault nor any conclusive finding of rape, let the petitioner, above named, be released on bail, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of S.D.J.M., Pupri at Sitamarhi, in connection with Sursand P.S. Case No. 712 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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