

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5673 of 2025

Arising Out of PS. Case No.-119 Year-2023 Thana- SARE District- Nalanda

Abhishek Verma @ Sonu Kumar Son of Anil Kumar R/o village- Gilanee,
P.S.- Sare, Dist- Nalanda. Petitioner/s

Versus

1. The State of Bihar.
2. Seema Devi Wife of Satyendra Kumar R/o village- Gilanee, P.S.- Sare, Dist- Nalanda.
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

10 23-07-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Sare P.S.
Case No. 119 of 2023 registered for the offence under Sections
376, 354(B)(C), 120 B, 506, 604, 34 of the Indian Penal Code
and Sections 4, 6, 12 of POCSO Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 25.11.2024.

4. Allegation against petitioner is to commit penetrative
sexual assault/rape upon daughter of the informant.

5. Learned Counsel appearing on behalf of the petitioner
submitted that initially for the occurrence, one complaint case was
filed by the father of the victim stating duration of occurrence i.e.



January 2023 to February 2023. It is pointed out that all such allegation was raised due to disputes and differences for the reasons that love affairs of the victim with petitioner was not approved by her father (informant)/family. It is submitted that knowing the fact that victim solemnized her marriage with petitioner, the present complaint case was filed, which subsequently converted into FIR by exercising power under Section 156(3) of Cr.P.C. It is submitted that the victim and her family members denied to join for medical examination to ascertain the truth and even while recording her statement under Section 164 Cr.P.C. victim disclosed that her marriage was solemnized forcefully. It is submitted that victim was with her parents/complainant/informant for a long period of time and, therefore, tutoring cannot be ruled out. While concluding argument, it is submitted that charge has already framed.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that victim at the time of occurrence was minor i.e. about 14 years.

7. Considering the facts and circumstances and by taking note of fact as *prima facie*, the present complaint case/FIR was lodged against petitioner as the love affairs/marriage was not



approved by parents of the parties, which appears prime motive for lodging the complaint/FIR, coupled with the fact that charge already framed against petitioner, where he remains in custody since 25.11.2024, accordingly, petitioner above named, is directed to be released on bail in connection with Sare P.S. Case No. 119 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Addl. District & Sessions Judge-cum-Special Judge, POCSO, Biharsharif, Nalanda/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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