

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7454 of 2025

Arising Out of PS. Case No.-522 Year-2024 Thana- DHANARUA District- Patna

Suraj Kumar S/o- Sri Prem Paswan @ Parmanand Paswan Village- Piprawan
Ps- Dhanarua Dist- patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bubbly Kumari D/o- Kameshwar Manjhi Village- Piprawan Po- Barahampur
Ps- Dhanarua Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 28-05-2025 Heard learned Counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Special (POCSO) Case No. 244 of 2024 arising out of Dhanarua P.S. Case No. 522 of 2024 registered for the offences under Sections 126(2), 115(2), 329(4), 75, 352, 351(2) and 3(5) of the B.N.S. 2023 and under Section 8 of the POCSO Act.

3. The prosecution case is to the effect that the information was lodged by the victim girl that on 02.09.2024, while she was sleeping on the terrace of the house, the petitioner is alleged to have scaled on the terrace



and tried to catch her by her hands; however, when she raised an alarm, the petitioner is said to have jumped from the roof and fled away.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to personal dispute between the family of the informant and the petitioner's family. It has next been submitted that, admittedly, from the mere perusal of the F.I.R., it would be evident that there is no allegation of sexual assault committed upon the victim girl by the petitioner. Learned counsel for the petitioner further submits that in view of the same, no offence under Section 8 of the POCSO Act be made out. It has also been submitted that the victim girl was examined by the doctor and no sign of any violence or sexual assault was found. Lastly, it has been submitted that the petitioner has a clean antecedent and he is in custody since 06.09.2024.

5. Learned APP for the State has opposed the prayer for bail of the petitioner and stated that there is an allegation upon the petitioner to have committed sexual



assault on a minor girl.

6. It has been noted earlier that notices were issued to the informant; however, till date there is no representation made either personally or through an advocate in the present case.

7. Considering the submissions made by the learned counsel for the parties and taking into account the nature of the nature upon the petitioner and the period of custody undergone, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIth-cum-Exclusive Special Judge, POCSO Act, Patna in connection with Special (POCSO) Case No. 244 of 2024 arising out of Dhanarua P.S. Case No. 522 of 2024, subject to the conditions that:-

a. One of the bailors of the petitioner shall be his/her close relative.

b. The petitioner shall remain physically present in Court on each date of trial.

c. In case of absence on two consecutive dates, or in violation of the terms of



the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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