

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12465 of 2025

Arising Out of PS. Case No.-86 Year-2024 Thana- MAHILA PS District- Darbhanga

Sonu Kumar @ Chandra Bhushan Kanti Son of Rajendra Kanti, Resident of Village- Sarsopahi, P.S.- Pandaul, Distt.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sulaina @ Kajal Kumari, Daughter of Late Jogi Mukhiya, Resident of Village Manchi Lagma Ward No.2, Police Station + District Dhaunsa, District Nepal.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1,APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-03-2025 Heard learned counsel appearing on behalf of the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Darbhanga Mahila P.S. Case No. 86/2024 for the offences punishable under Sections 64, 115(2), 126(2), 351(2), 303(2), 3(5) of BNS & 4/6 of POCSO Act.

3. As per the allegation made in the FIR, the petitioner along with his wife used to assault the informant. Petitioner also committed unnatural sex forcibly with the informant continuously for about one month.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been dragged in a



concocted case. The wife of the petitioner has been released on pre-arrest bail by this Court, vide order dated 04.12.2024 passed in Cr. Misc. No.79792 of 2024. Medical report confirms that the informant is aged about 22 years old but it is not clear in respect of sexual assault upon the informant, as such, no case under the POCSO Act is made out against the petitioner. Petitioner is in custody since 07.08.2024.

5. Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

6. Considering the nature of allegation made in FIR, as well as, the informant is aged about 20-22 years, as per the medical report and the medical report is not clear in respect of the sexual assault upon the informant by the petitioner. The petitioner has made out *prima facie* a case to be released on bail. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Protima Parihar Special Judge (POCSO Act), Darbhanga in connection with Darbhanga Mahila P.S.Case No.86 of 2024, subject to the following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court concerned.

- (3) If the petitioner tampers with the evidence or the witnesses of the case, the prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bond.
- (5) The district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

chn/-

U		T	
---	--	---	--

