

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13548 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- GHORASAHAN District- East
Champaran

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Guddu Kumar S/o- Sureshwar Rai Resident of village - Jamuniya P.S-
Jharokhar District -East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fatma Khatun W/o- Jahur Ansari Village- Vishunpur Damar Chauk Ps-
Jharokhar Dist- East Champaran

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner as well as the
counsel appearing for the respondent-State.

2. It is the first regular bail application submitted by the
petitioner who has been arrested in connection with Ghorasahan P.S.
Case No. 168 of 2024 dated 30.03.2024 for the alleged offences
punishable under Section 363, 366-A, 34 of the Indian Penal Code
and under Sections 4 and 8 of the POCSO Act.

3. According to the case of prosecution, at the time of
incident the age of victim girl was about 15 years. On 30.03.2024
written complaint has been filed by the mother of the victim girl
alleging therein that on 21.03.2024 the present applicant took her
minor daughter in his house. Subsequently, on 28.03.2024 the victim
girl was recovered from the house of the present applicant. Allegedly,



during that period the present applicant continuously committed forceful sexual intercourse with the victim girl. On the basis of the written complaint made by the informant offences has been registered. During the course of investigation, the applicant was arrested on 17.12.2024 and, since then he is in custody.

4. It is submitted by the counsel for the petitioner that the petitioner herein is innocent and is falsely implicated in this case. Actually, there is a love relationship between the applicant and the victim girl and due to that the victim girl herself left her house and joined the company of the applicant. Though, in the written complaint age of the victim girl is mentioned as 15 years however, medical report of the victim girl shows that she is aged about 19-20 years. He further submits that in para 38 and 66 of the case diary different date of births has been mentioned therefore, *prima facie* it appears that the victim girl is more than 18 years. Since, she is a major lady and has herself left the house and joined the company of the petitioner. Thus, no offence is made out against the petitioner. Lastly, he submits that the petitioner is in custody since 17.12.2024, charge-sheet has been filed, trial will take time. Therefore, on these grounds it is prayed that the petitioner may be granted benefit of bail.

5. Learned counsel appearing on behalf of respondent-State as well as counsel for the informant opposes the prayer of bail.

6. Considering the submission made by the counsels and particularly considering the fact that the FIR has been lodged after 8-



9 days of the alleged incident and further considering the age of the victim girl as mentioned in the medical report, I am of the view that in this case the present applicant should be granted the benefit of bail. Accordingly, the petition is allowed. The petitioner is directed to be released on bail in connection with Ghorasahan P.S. Case No. 168 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties, to the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge POCSO, Motihari at East Champaran.

(Arvind Singh Chandel , J)

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