

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31302 of 2025

Arising Out of PS. Case No.-525 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Sonu Kumar S/o Late Manoj Ram Resident of Village- Narayanpur, P.S.-
Kuchailote, Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-07-2025 Heard Mr. Dhananjay Kumar Upadhyay, learned
counsel for the petitioner and Ms. Rina Sinha, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kuchaikote P.S. Case No.525 of 2023, F.I.R. dated 17.10.2023 for the offences punishable under Sections 354(B), 376, 511, 323, 379, 341/34 of the Indian Penal Code.

3. According to prosecution case, on 17.10.2023 at 10:00 a.m., informant Sankesa Devi was bathing after cleaning her house when Sonu Kumar allegedly entered secretly, molested her, and attempted to rape her. On her alarm, neighbors arrived, and Sonu fled. When she went to complain to his family, Sonu Kumar, his father Manoj Ram, Raja Kumar, and Manoj Ram's wife allegedly abused, assaulted, and pulled



her hair. The accused also pelted bricks at her house and later at the police when they arrived. Villagers intervened, after which the accused fled. Injured persons were treated at the government hospital, and the accused allegedly damaged household items and committed theft, leading to the F.I.R.

4. Learned counsel for the petitioner submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence, as alleged in the F.I.R. It appears from the F.I.R., that Section 376 of the I.P.C. is not attracted against the petitioner because the informant has herself stated in the F.I.R. that the petitioner has tried to commit rape upon her. He further submits that the allegations, as alleged in the F.I.R. is false and fabricated and in fact, the father of the petitioner has filed the case against the informant and her family members and the victim is the Aunty of the petitioner and the father of the petitioner has filed the Kuchaikote P.S. Case No.227 of 2017, in which the informant is one of the accused along with son and husband of the informant. Apart from that, the injury report of the injured persons suggest that no visible injury was found on the so called injured person and the victim was not available for her medical examination because she was required in another case, so she has been absconding.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, the medical report does not support the allegation, as alleged in the F.I.R. and apart from that the victim has not recorded her statement under Section 164 Cr.P.C / Section 183 of the B.N.S.S., let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned C.J.M., Gopalganj, in connection with Kuchaikote P.S. Case No.525 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 bond 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.

(Rajesh Kumar Verma, J)

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