

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35603 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Sonu Kumar S/O Late Ramvilash Mahto @ Ramvilash Singh Village- Harpur,
Bochha Khanwa, P.S.- Vidhyapatinagar, Dist.- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Anamika Raj @ Sajili Bharti D/O Sri Umesh Prasad Mahto R/O Vill.-
Mahmadpur Sakara, P.s.- Bibhutipur, Dist.- Samastipur.

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Y.C. Verma, Sr. Advocate Mr.Surya Narayan Roy, Advocate Mr.Ashok Kr.Singh, Advocate
For the Opposite Party/s :	Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 12-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with

Dalsinghsarai P.S. Case No. 135 of 2024 registered for the

offences under Sections 341, 354B, 354C, 376D, 379, 506/34 of

the Indian Penal Code and section 4, 6 of POCSO Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 18.11.2024.

4. Allegation against the petitioner is to commit rape

upon the informant on pretext of helping her in preparation for

higher education and competitive examination. Petitioner is the



tutor of the informant/victim.

5. Mr. Y.C. Verma, learned senior counsel appearing on behalf of the petitioner submitted that admittedly as per FIR, the date of birth of informant/victim is 30.04.2005 as per her school certificate and, therefore, on the date of occurrence, she was major. It is submitted that as per FIR, informant/victim was in relation with the petitioner for long four years, but she never made any complaint either to her parents or to police.

6. It is submitted by Mr. Verma that when their relationship came into the knowledge of parents on 12.04.2024, when petitioner visited the house of informant/victim without her information, the present false implication was raised.

7. It is also submitted by Mr. Verma that allegation of attempt to commit rape is available against co-accused namely, Guddu Kumar Sahni @ Guddu Sahni also, who has already been granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 5784/2025 dated 04.09.2025.

8. In this context, Mr. Verma submitted that mobile and whatsapp chats between petitioner and victim/informant suggest that they were in relationship for long four years and were establishing physical relationship out of their own consent being major. In support of his submission, Mr. Verma relied upon the



legal report of Hon'ble Supreme Court as available through
**Mandar Deepak Pawar Vs. The State of Maharashtra &
Anr.** reported in **2022 SCC Online SC 2110**.

9. Arguing further, Mr. Verma submitted that even upon medical examination, the age of the victim/informant was found more than 18 years and no incriminating evidence surfaced which may suggests that she was sexually abused recently. It is also pointed out that petitioner voluntarily surrendered before the learned trial court on 18.11.2024, from where he was remanded in judicial custody.

10. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

11. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that allegation of rape is specifically available against this petitioner.

12. In view of aforesaid factual submission and by taking note of the fact as *prima facie* on the date of occurrence informant/victim appears major in terms of FIR, where she also appears in relationship with petitioner for long four years for which



no complaint ever raised by the informant/victim either before her parents or police, coupled with the fact that investigation of this case is already completed, where petitioner, who is a man of clean antecedent, remains in custody since 18.11.2024 on surrender, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Rape and POCSO Act), Samastipur/concerned court, in connection with Dalsinghsarai P.S. Case No. 135 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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

