

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55925 of 2025

Arising Out of PS. Case No.-119 Year-2025 Thana- GURARU District- Gaya

Vicky Kumar S/o Sanoj Chouhan Resident of Village - Diha, P.S. -Guraru,
District - Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. Sunita Devi W/o Bhim Paswan Resident of Village- Bandari, P.S.-Guraru,
District-Gaya

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 Heard learned counsel appearing on behalf of the

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

2. The accused/petitioner seeks bail in connection

with Guraru P.S. Case No. 119 of 2025 registered for the

offences under Sections 64 of the Bhartiya Nyay Sanhita,

2023 (in short, the 'B.N.S.'), section 4 & 6 of the POCSO Act

AND Section 3(2)(v) of the SC/ST (POA) Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 10.05.2025.

4. As per FIR, petitioner was found in compromising

position with the daughter of informant aged about 17 years



on 09.05.2025 at about 3:30 A.M., while she was alone in room.

5. It is submitted by learned counsel appearing on behalf of the petitioner that during course of investigation, the statement of victim was recorded under section 183 of the B.N.S.S., where she categorically stated that she was tortured mentally and physically by her family members/ parents. It is also submitted that she was in relationship with this petitioner since last one and half year prior to lodging of this FIR and this petitioner always supported her whenever she was tortured by her parents. It is submitted that she established physical relationship with this petitioner out of her own sweet-will as both are planning to solemnize marriage out of their love and affection.

6. Arguing further, it is submitted that upon radiological examination, the victim was found between the age group of 18 to 19 years and she was major, but just to aggravate the allegation, intentionally her age was recorded as 17 years as to implicate the petitioner with aggravated allegation of POCSO Act. It is pointed out that even medical



report not appears supporting the allegation *qua* sexual assault, as alleged.

7. While concluding argument, it is submitted that petitioner found involved in one more case of petty nature, where he is on bail and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Despite valid service of notice, none appears on behalf of the informant/O.P. No.2 to join the present proceeding.

10. In view of aforesaid factual submission and by taking note of the fact as victim completely negate the allegation of sexual assault *qua* petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 10.05.2025, 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, POCSO Act-cum-Additional Sessions Judge-VII, Gaya Ji/concerned court, in connection with Guraru P.S. Case No. 119 of 2025, 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/-

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