

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63335 of 2024

Arising Out of PS. Case No.-258 Year-2024 Thana- CHAPRA MUFFASIL District- Saran

Sanjay Kumar Singh @ Sanjay Singh @ Bablu Singh Son of Late Shivji Singh Resident of village - Khalpura (Bala), Post - Gultenganj, P.S.- Chapra Muffasil, District - Saran at Chapra 841211.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh Son of Ramji Singh Resident of village - Khalpura (Bala), Post - Gultenganj, P.S.- Chapra Muffasil, District - Saran at Chapra 841211

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the Informant	:	Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

9 22-04-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Chapra Mufassil P.S. Case No. 258 of 2024 dated 06.05.2024 registered for the offences under Sections 376(i) and 307 of the Indian Penal Code and Sections 4 and 7 of the POCSO Act.

3. The prosecution story in short is that on 03.05.2024 at 5:30 PM while the Informant's daughter aged about 14 years went to the nearby grocery shop of the petitioner for taking 'maggi', the petitioner pulled her inside the shop, closed the door and committed rape on her. When the daughter



of the informant cried, the petitioner tried to strangle her but somehow she saved herself. It is further alleged that at that time the Informant and his wife were going to Lucknow. His victim daughter informed him and his wife on phone about the incident then the informant and his wife came back and on 06.05.2024 reported to the police regarding the same.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner and the informant are next door neighbours having previous dispute over non payment of the amount of articles purchased by the informant from the petitioner's shop. The incident is of 03.05.2025 at 5.30 hours but the FIR has been lodged on 06.05.2024 at 08.10 hours without any valid explanation. Though the informant has claimed his daughter to be 14 years but in the medical examination her age has been found to be 22 years hence, no case under Sections 4 & 6 of the POCSO Act is made out. It is further submitted that in the medical examination it has been found that there is no evidence of sexual intercourse at the time of examination. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 06.05.2024.

5. The learned Additional Public Prosecutor for the



State and the learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant submits that as per the certificate of school the victim is a minor and all the witnesses including the victim have alleged penetrative sexual assault against the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that though the informant has claimed his daughter to be 14 years but in the medical examination her age has been found to be 22 years, in the medical report it has been found that there is no evidence of sexual intercourse at the time of examination, the petitioner and the victim are next door neighbours, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (POCSO Act), Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 258 of 2024 subject to the conditions that :

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.



- c. The petitioner should refrain in interaction with the victim girl or the prosecution side.
- d. In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Sourendra Pandey, J)

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