

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63621 of 2024

Arising Out of PS. Case No.-239 Year-2024 Thana- JAMUI District- Jamui

Suraj Bhan Singh Son of Subhod Singh R/o Village - Baruatta, P.S.- Jamui,
District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Srikant Pandey S/o Ramakant Pandey R/o Village - Baruatta, P.S.- Jamui,
District - Jamui.
3. Poonam Kumari @ Priya Kumari R/o Village - Baruatta, P.S.- Jamui,
District - Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nawal Kishore Singh, Advocate Mr. Niranjan Parihar, Advocate
For the State	:	Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 17-04-2025 Heard learned counsel for the petitioner, and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Jamui P.S. Case No. 239 of 2024, registered for the offences punishable under Sections 323, 452, 366(A), 376(D) of the Indian Penal Code and 4/6 of POCSO Act.

3. The prosecution case in brief is that informant Srikant Pandey had gone to a wedding and his daughter and his aunt were there at the home. It is further alleged that some persons of his village took away his minor daughter from the house and gang-raped her and he has named Murari Kumar



Singh, Golu Kumar Singh and Suraj Bhan Singh (petitioner). It has further been alleged that his daughter had been pushed into the street and they had threatened not to disclose their names.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case out of personal grudge which the informant was carrying against him. He further submits that the age of the victim has been stated to be 16 years, however, the same is contradicted by the report which has been brought on record by way of Annexure-A which was issued by the Registrar (birth-death), Sadar Hospital, Jamui, who has certified that the birth of the girl was 29.10.2005 and hence she was a major at the time of occurrence. He further submits that from the perusal of the medical report, it is clear that there was no sign of rape as there was no spermatozoa found, there was no signs of external or internal injury on the person of the victim and there is only an opinion that the victim might had undergone a sexual intercourse recently. The learned counsel further submits that the petitioner is in jail custody since 01.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that there is an allegation of gang rape committed on the victim and petitioner



is stated to be one of the person who was involved in such incident. Learned A.P.P. further submits that on perusal of the matric certificate, the victim girl seems to be a minor and hence he does not deserve to be released on bail.

6. After hearing the respective parties, this Court is of the opinion, formed on the basis of the medical report, which suggest that there might be a chance of recent sexual intercourse, however, from the findings of the examination it seems that no spermatozoa was found and the petitioner was examined the very next date of the incident and also taking into account the fact that the petitioner is in jail since 01.05.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 court of learned Additional Sessions Judge-1st, Jamui, in connection with Jamui P.S. Case No. 239 of 2024.

(Sourendra Pandey, J)

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