

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4416 of 2024

Arising Out of PS. Case No.-410 Year-2023 Thana- BAKHTIYARPUR District- Patna

Suraj Kumar @ Suraj Yadav son of through his father Tuntun Singh @
Tuntun Yadav Vill-Champapur P.s- Bakhtiyarpur Dist-Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Priyanka Kumari, Daughter of Suresh Singh, resident of village+ P.O.
Champapur, P. S. Bakhtiyarpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Avinash Shekhar
For the Respondent/s : Mr. Zeyaul Hoda

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-01-2025 1. Heard learned counsel for the appellant and the
learned A.P.P. for the State.

2. The appellant has challenged the order dated
31.07.2024 passed by the learned Additional District & Sessions
Judge-1st-cum- Special Judge, Children's Court, Patna in
connection with Special (Child) Case No.07 of 2024 arising out
of Bakhtiyarpur P. S. Case No.410 of 2023, instituted for the
offences under Sections 341, 323, 376(3), 376(D), 379, 504 and
506 of the Indian Penal Code and Sections 4 and 8 of the
Protection of Children from Sexual Offences Act, 2012.

3. The learned counsel for the appellant submits that
appellant is a person with clean antecedent and the informant
alleges that on 27.09.2023, she left her house in anger as her



mother had scolded and she went to her friend's house. It is next alleged that she stayed in the house of her friend in the night and on 28.09.2023 at 4.00 P.M., the appellant called on her friend's mobile and asked the informant to come to Bakhtiyarpur Station. Accordingly, she reached Bakhtiyarpur Station, when it is alleged that appellant on false assurance of marriage made her sit on his motorcycle and started going towards Patna. Further, it is alleged that the appellant on way called his friends as named in the FIR and they took the informant in an agricultural field where all the six accused raped her in turn.

4. The learned counsel for the appellant submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant herself alleges that she was knowing the appellant. It is next submitted that allegation of rape is false and fabricated for the reason that it does not appear probable that six persons would have raped the informant and informant would have been in a position to walk to the police station which was situated 07 kilometers away from the place of occurrence for instituting the FIR, all alone. It is further submitted that even the injury report does not corroborate rape. It is next submitted that Bipin Kumar @ Bipin Yadav and Sunny Kumar had moved this Court seeking anticipatory bail by filing



Cr. Misc. No.16157 of 2024 and the same was allowed by an order dated 29.07.2024 after hearing the learned A.P.P. and the Investigating Officer of the case as would manifest from Para-6 of the order dated 29.07.2024. It is next submitted that appellant is a minor and is in custody since 29.09.2023.

5. The learned A.P.P. is not a position to rebut the submission of the learned counsel appearing on behalf of the appellant that the injury report does not corroborate rape, but then, submits that if appellant is granted the privilege of bail, he may abscond on which, the learned counsel appearing on behalf of the appellant submits that appellant will not abscond rather will cooperate in the trial to prove his innocence.

6. Regard being had to the aforesaid submissions, the order dated 31.07.2024 is set-aside.

7. The appeal stands allowed.

8. The appellant, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1st-cum- Special Judge, Children's Court Patna in connection with Special (Child) Case No.07 of 2024 arising out of Bakhtiyarpur P. S. Case No.410 of 2023,



subject to condition that one of the bailors of the appellant shall be his father namely Tuntun Singh @ Tuntun Yadav.

9. It is made clear that if the learned trial Court comes to a conclusion that the appellant after his release is trying to delay the trial in any manner, the learned trial Court shall forthwith cancel his bail bonds of the appellant after recording reasons.

(Satyavrat Verma, J)

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