

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71724 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Ghutra Kumar @ Dharma Kumar, aged about 25 years, Gender-Male, S/O
Dinesh Mandal, R/O Village- Motichak, P.S- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar
2. Ranjo Kumari, aged about 16 years, Gender-Female, D/O Ashok Mandal,
R/O Village- Motichak, P.S- Sultanganj, Dist.- Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr.Pravin Kumar Sinha, Advocate
For the State	:	Mr. Shantanu Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 19-03-2025 A supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
POCSO Case No. 128 of 2024, arising out of Sultanganj P.S.
Case No. 263 of 2024 dated 03.06.2024 registered for the
offences punishable under Section 376 of the I.P.C. and Section
4 of the POCSO Act.

4. As per the prosecution case, the petitioner is alleged
to have committed rape on the victim.

5. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim is a major aged about 19 years as it would appear from her certificate issued by her school in which her date of birth has been mentioned as 15.03.2005 and the occurrence took place on 02.06.2024, hence, no case under Section 4 of the POCSO Act is made out but police levelled Section 4 of the POCSO Act on the basis of the alleged date given by the victim in her written report as 16 years which is contrary to the law. The victim herself went to the house of the petitioner at 1 o'clock in the night, therefore, no question arises for committing rape on her and at best it is a case of consensual relationship between them but the present case has falsely been lodged on the pressure of her family. Learned counsel for the petitioner has stated in paragraph no. 2 of the supplementary affidavit filed on behalf of the petitioner that during the pendency of this petition, trial of the case proceeded and the victim (P.W. 1) has been examined on 20.02.2025 through video conferencing in which she has accepted that the petitioner is well known to her and she knows him from her childhood. She has no any complaint against the petitioner, annexed as Annexure-2 to the supplementary affidavit filed on behalf of the petitioner. The petitioner has clean antecedent as



stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.06.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, (POCSO)-cum-VII Additional and Sessions Judge, Bhagalpur in connection with POCSO Case No. 128 of 2024, arising out of Sultanganj P.S. Case No. 263 of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

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

