

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74055 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- DHOLBAJJA District- Bhagalpur

Roushan Sharma, S/o- Sunil Sharma, Resident of Village- Laualagaon PS-
Chausa, Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Puspa Kumari, D/o- Lalo Sharma, Resident of Village- Gola Tola, Kadwa
PS- Dhol Bazza (Kadwa) Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Pandey, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

7 17-02-2025 Heard learned counsel for the petitioner and Mr.
Vinod Shanker Modi, learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code and under Section 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner has committed rape with the informant/victim of this case on the promise of marriage.

4. Learned counsel for the petitioner has submitted that two dates of the occurrence are mentioned in the FIR, i.e. 22.02.2024 and 24.02.2024 whereas the FIR was lodged on 04.03.2024, after ten days of the alleged occurrence. During course of investigation the victim has given her statement under Section 164 of the Cr.P.C. wherein she has stated that the petitioner established physical relationship with her and that



relationship was consented one. During medical examination there was no external injury found on the body, not even on private parts of the victim. In her statement under Section 164 Cr.P.C. she has stated that she wants to marry the petitioner. The petitioner is having no criminal antecedent. The petitioner is in custody since 20.04.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the above facts and circumstances, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to 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 court of learned Exclusive Special Judge, (POCSO)-cum-7th Additional District and Sessions judge, Bhagalpur in connection with Dholbajja P.S. Case No. 25 of 2024.

7. Accordingly, the present bail application stands allowed.

(Ashok Kumar Pandey, J)

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