

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76333 of 2024

Arising out of PS. Case No.-39 Year-2024 Thana- RANIGANJ District- Araria

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Amar kumar Sharma @ Amar Ku. Sharma, S/o Ganesh Sharma R/o vill -
Palsa, ward no. 3, P.S. - Ajam Nagar, Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjali Kumari, D/o Anil Sharma, R/o Vill - Kalabalua Baijnathour, Ward
No. 1, P.S. - Raniganj, Dist.- Araria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Opposite Party/s: Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 02-05-2025 Heard learned counsel for the petitioner, learned

counsel for the informant and learned Additional Public Prose-

cutor for the state.

2. The petitioner seeks bail in connection with Rani-
ganj P.S. Case No. 39 of 2024 instituted for the offences under
Sections 376/504/506 of the Indian Penal Code and later on
Section 4 of the POCSO Act was also added.

3. The allegation against the petitioner is that he on
the pretext of marriage had established physical relation with
victim on several occasions. However, the victim insisted for
marriage. The petitioner is said to have backtracked and refused
to marry the victim.



4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has committed no offence. It is further submitted that the allegation of establishing physical relationship on the ground of marriage is absolutely false and it was consented and wilful act done by the victim and the petitioner together. It is also submitted that it is under the compulsion that the family of the informant is trying to implicate the petitioner in a false case in order to coerce him into marrying the victim girl. It is next submitted that the girl was examined under Section 164 Cr.P.C. wherein though she has stated the same fact as she had narrated in the FIR, however, from the perusal of the medical report it is clear that the age of the victim girl was referred as 19 years and the Doctor has opined that there is no evidence of any sexual assault on the informant. It is lastly submitted that the petitioner is having clean antecedent and is in custody since 20.09.2024.

5. Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner has exploited the informant and has got physical relationship on the false promise of marriage and subsequently he has backtracked and, thus, he has committed rape upon the victim. Learned Additional Public Prosecutor has sup-



ported the contention raised by learned counsel for the informant.

6. Considering the aforesaid submissions of respective counsels and taking into account the fact that the age of the petitioner has been stated to be 19 years in the FIR as well as in the medical report and also lodging of the FIR after more than four months of the occurrence does not seem justified as also the fact that the petitioner is having clean antecedent and is in custody since 20.09.2024, the petitioner above named, is directed to be released 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 Additional District and Sessions Judge-cum-Special Judge (POCSO), Araria in connection with Raniganj P.S. Case No. 39 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two con-



secutive dates or in violation of the terms of the
bail, the bail bond of the petitioner will be liable
to be canceled by the Court concerned.

(Sourendra Pandey, J)

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