

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79571 of 2024

Arising Out of PS. Case No.-72 Year-2021 Thana- MAHILA P.S. District- Samastipur

Saket Singh Son of Mahendra Singh village- Hajpurwa, ChakmehsiPs,
Samastipur

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Bhuneshwar Paswan son of Late Bihari Paswan village- Fulhata Panchayat
Kalojer, Ps- Chakmehsi, dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Binay Krishna, APP
For the informant	:	Mr. Mritunjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioner, informant
and the State .

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 376(3), 120B and 506 of
the Indian Penal Code 1860 and Section 4 of the POCSO Act
and Section 3(2)(v) of the SC / ST Act.

3 . As per the prosecution case , this petitioner
committed rape upon minor girl aged about 14 years as a result
of which victim became pregnant and after knowing the same ,
this petitioner got pregnancy aborted.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case . F.I.R., has



been lodged after the delay of 10 months of the alleged occurrence and there is no plausible explanation for the same which itself creates doubt over the entire prosecution case . After investigation , police submitted final form stating that there was no evidence in support of the allegation against the petitioner. It is further submitted that during pendency of the case good sense developed between the parties and a joint compromise petition has been filed before the Court of learned ADJ 6th cum Special Judge (POCSO) Samastipur and in the same informant has categorically denied the case and stated that he had filed the case under the influence of some persons who were inimical to the petitioner. Petitioner claims clean antecedent.

5 . Learned counsel for the informant does not dispute the contention made on behalf of the petitioner.

6. Considering the aforesaid facts clean antecedent of the petitioner and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged 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 learned ADJ 6th cum Special Judge (POCSO) Samastipur in connection with



Samastipur Mahila P.S. case No. 72 of 2021 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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