

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85030 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- GORAUL District- Vaishali

Sonu Kumar @ Sonoo Kumar S/o Surendra Ray R/o Village- Chanpurakhurd,
P.S.- Goroul, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Victim R/o Village- Ramdaspur, P.S.- Goroul, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar
For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 19-04-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 376, 379, 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a young boy aged about 21 years and the informant alleges that on 11.05.2024 while she was returning from her coaching when she was intercepted by the petitioner along with other named accused persons and they took her to a field where petitioner committed rape while other accused persons were making video



and even threatened the informant that if an amount of Rs.50,000/- is not paid, the video would be made viral.

4. The learned counsel appearing on behalf of the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the same does not inspire confidence for the reason that it does not appear probable that the accused persons would have demanded extortion of Rs.50,000/- from the informant for not making the video viral, for the reason that if the occurrence would have been video-graphed and the same would have been made viral in that event the accused persons would also have been implicated. It is further submitted that during course of investigation, it also transpired that this petitioner and the informant were known to each other and they used to talk continuously on phone but then the informant in the F.I.R. has given an impression as if the petitioner was not known to her. It is also submitted that during the course of investigation, no material came to the fore establishing the offence under section 376 of the Indian Penal Code. Further, the supervising authority also came to the same conclusion. It is next submitted that even the medical report of the informant does not corroborate rape.

5. Learned A.P.P. and the learned counsel appearing



on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then the learned APP after perusing the case diary fairly submits that during the course of investigation no material transpired connecting the petitioner with the offence of rape but then investigation is still continuing. Further on query of the court that as to whether during the course of investigation it transpired that petitioner and the informant were known to each other on which the learned APP submits that during the course of investigation it has come that they were on regular talking term.

6. The learned counsel appearing on behalf of the informant at this stage submits that in the event if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Goroul P.S. Case No.189/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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