

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86650 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- CHAUTHAM District- Khagaria

Suraj Kumar Son of Shivpujan Sharma @ Sripujan Sharma R/O- Malpa, PS-
Chautham, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bhushan Das Son of Late Turanti Das R/O- Malpa, PS- Chautham, District-
Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shashank Shekhar, Adv.
For the Opposite Party/s	:	Mrs.Usha Kumari 1, APP
For the Informant	:	Mr.Rajesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

9 15-11-2025 By means of this bail application, petitioner, who is involved in connection with Chautham P.S. case no.166 of 2024, registered for the offences punishable under Sections 504, 506 and 34 of the IPC, section 12 of the POCSO Act, sections 67 and 66 of the IT Act and sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, seeks enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor representing the State.

3. As per prosecution case, in brief, the informant, who is father of the victim got the First Information Report



lodged on 02.06.2024 against Suraj Kumar (petitioner), Sumit Kumar and Chunchun Sharma stating inter alia that on 08.05.2024 his daughter, aged about thirteen years went missing and later on, it was revealed that she was enticed away by the petitioner Suraj Kumar. On 11.05.2024, victim was recovered from the house of aunt (*mausi*) of petitioner Suraj Kumar. F.I.R. also alleges that after a week, some people told him that photographs of his daughter along with petitioner was going viral on Facebook and Whats-app. When he checked his face book page, an objectionable photo of his daughter had indeed been posted from petitioner's mobile number, with a message demanding Rupees ten thousand to delete the said post.

4. It is argued by learned counsel for the petitioner, that petitioner has been falsely implicated in this case. During investigation, the age of victim was found about 16-17 years. On account of love affairs between the victim and the petitioner, both were inclined towards each other and it is not a case of rape but a case of consensual relation between them. F.I.R. has been lodged after delay of 20 days without any plausible explanation of delay. Much emphasis has been given by contending that no electronic evidence as alleged by the prosecution in the F.I.R. has been collected by the Investigating



Officer. It is also argued that the victim in her statement u/s 164 Cr.P.C. has made false allegation against the petitioner under the pressure of her father. The allegation against the petitioner is not corroborated from medical evidence. It is pointed out that in the supplementary report dated 23.09.2024, it is clearly mentioned that no spermatozoa was seen. Lastly, it is submitted that petitioner who has no criminal history is languishing in jail since 27.09.2024 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5. Per contra, learned Additional Public Prosecutor for the State and counsel for the informant opposed the prayer for bail of the applicant reiterating the prosecution case as mentioned in F.I.R. by contending that innocence of the applicant cannot be ad-judged at pre-trial stage. They also stated that the victim in her statement recorded u/s 164 Cr.P.C. has stated inter alia that petitioner has made physical relation with her.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that the F.I.R. has been lodged after delay of 20 days. During investigation, age of victim was found between 16-17 years. The Investigating Officer after completion of investigation submitted charge sheet



u/s 385/504/506/34 of the IPC read with sections 8/12 of POCSO Act, sections 66/67 of the I.T. Act and 3(i)(r)(s)/3(2)(va) of the SC/ST Act but did not submit charge-sheet u/s 376 of the IPC against the petitioner. Perusal of order sheet shows that vide order dated 06.08.2025, a report was called for from the Investigating Officer as to why charge-sheet has not been submitted u/s 376 of the IPC in the matter but no reply has been submitted by the Investigating Officer. Thereafter, by another order dated 18.09.2025, a report was called for from the Superintendent of Police, Khagaria as to under what circumstances, I.O., after completing the investigation has not submitted charge-sheet u/s 376 of the IPC but said order has also not been complied with by the Superintendent of Police, Khagaria. On putting query in this regard by the Court, no proper explanation has been submitted from the State side. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.

7. In view of the above, without entering into merit



of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner, who is in incarceration since 27.09.2024 has made out a prima facie case for bail.

8. Accordingly, the bail application of the petitioner stands allowed.

9. Let the above named petitioner be released on bail in the above case on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned court below with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10. In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11. It is clarified that anything said in this order is



limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12. The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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