

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68970 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- GURUA District- Gaya

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Sushant Kumar @ Sun Jee S/O Sri Ravindra Prasad Singh R/O Village -
Nadaura, P.S- Gurua, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Ashok Choudhary R/O Village - Nadaura, P.S- Gurua, District - Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Ms. Vaishnavi Singh, Advocate
	:	Mr. Ritwik Thakur, Advocate
For the O.P. No.2	:	Mr. Yogesh Kumar, Advocate
For the State	:	Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 10-02-2026 Heard Mr. Ajay Kumar Thakur, learned counsel for

the petitioner assisted by Ms. Vaishnavi Singh, learned

Advocate, Mr. Yogesh Kumar, learned counsel for the opposite

party no.2 and Mr. Sadanand Paswan, learned APP for the State.

2. The petitioner seeks bail in a case registered for

the offence punishable under Sections 64, 89 and 3(5) of the

Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the

Protection of Children from Sexual Offences Act, 2012

(POCSO Act).

3. The allegation against the petitioner is that when

victim had gone to attend nature's call at that time petitioner



caught the victim and covered her mouth with gamcha and raped her forcibly and threatening to kill if she will tell anyone about this. Later on, he continued to establish physical relation with her by threatening and she became pregnant.

4. The learned counsel for the petitioner has submitted that the allegation of commission of rape and the victim getting pregnant leading to her abortion does not stand supported by the medical evidence, which is on record. The medical evidence indicates that there is no recent sign of sexual intercourse but rape cannot be denied and the age of the victim is found to be above 19 years. It has further been submitted that as a matter of fact, both the parties are neighbours and due to prior dispute, the present case has been falsely lodged upon the petitioner. Even in the statement recorded under Section 183 of the B.N.S.S., there is an indication that the petitioner had offered for marriage as such, it would be also be a possibility of love affairs between two adults. The conduct of the victim also appears to be suspicious as according to her own statement, physical proximity between the petitioner and the victim was going on since some time. However, the present case has been lodged only after she became pregnant and abortion was done. The petitioner is in custody since 25.07.2025.



5. Learned APP for the State as well as learned counsel for the opposite party no.2 have opposed the grant of bail on the ground that the victim has supported the case of the prosecution under Section 183 of the B.N.S.S.

6. Upon going through the statement of the victim, it would transpire that the physical relationship had been continuing for some time. Moreover, a Zimmanama is also present in the case diary which was signed by the father and mother of the victim wherein it is stated that they would take their daughter in safe condition and would not treat her with cruelty. This very indication in the Zimmanama has certain serious to tell.

7. Taking into consideration the facts and circumstances and considering the fact that the relationship between the petitioner and the victim had continued over a period of time possibly on pretext of marriage or otherwise and the medical report showing the victim to be adult, let the above named petitioner, 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 Exclusive Special Judge POCSO-cum-Additional Sessions Judge-Vii, Gaya Ji/concerned Court below in connection with Gurua P.S.



Case No. 234 of 2025 subject to condition that:-

(i) The petitioner is directed to appear in court on each and every date, till the framing of charge, if it has not been framed yet and further cooperate in the trial, failing which his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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