

Arising Out of PS. Case No.-292 Year-2024 Thana- BANIAPUR District- Saran

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... .. Petitioner/s

Versus

- Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1, APP
For the Informant	:	Mr. Dhananjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-03-2026

Heard Mr. Sanjeev Kumar, learned counsel for the petitioner, Mr. Anil Kumar Singh No. 1, learned Additional Public Prosecutor for the State as well as Mr. Dhananjay Kumar Tiwary, learned counsel for the Informant.

2. Petitioner seeks bail who is in custody since 14.05.2025 in connection with Baniyapur P.S. Case No. 292 of 2024, F.I.R. dated 28.06.2024 for the offences punishable under Sections 376 of the IPC and Section 4/6 of POCSO Act.

3. According to prosecution case, the informant alleged that the petitioner forcibly made physical relation with her by keeping gun in her mouth and threatened to shoot her if she shouted.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He next submits that although the victim has supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C/183 BNSS but her medical report which was conducted on next date of the alleged occurrence does not support the case of the prosecution. The opinion of the doctor is quoted hereinbelow:-

“On the basis of above facts we can say that Rima Kumari is not pregnant and there is no evidence of sexual intercourse at the time of examination.”

5. The learned Additional Public Prosecutor for the State and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioner and submits that victim has supported the case of the prosecution and apart from that on the alleged date of occurrence the victim was minor.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the medical report of the informant does not support the allegation as alleged in the FIR, let the petitioner, above named, be released 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 Exclusive Special



Additional Session Judge, (POCSO) Saran, Chhapara in connection with Baniyapur P.S. Case No. 292 of 2024, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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