

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53121 of 2022

Arising Out of PS. Case No.-662 Year-2020 Thana- SHERGHATI District- Gaya

SATENDRA KUMAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 09-12-2022 In the instant petition, petitioner has prayed for regular bail under Section 439 & 440 of the Code of Criminal Procedure.

The complaint is filed against the petitioner for offences under Section 341,323,504,506,376/34 of I.P.C and under Section 4 & 6 of the Protection of Children Sexual Offences Act under Section 67, 67(a) of the Information & Technology Act in P.S. Case No. 662 of 2020, (Dhobi).

It is alleged that petitioner and victim were in contact in the month of February, 2020. The petitioner is stated to have entered into victim's house and indulge in intercourse. It is stated that her sister is also living in the same house at the relevant point of time. Arising out of the aforesaid alleged incidents the victim has given written complaint on 25.12.2020 after lapse of about nearly 10 months and odd days.

Prima facie, it is evident that offence under POSCO Act is not



attracted. In the light of the fact that victim is aged about 19 years which has been examined by the medical board and read with report.

Moreover, the petitioner is Railway Employee and who is working as Technical Assistant. The petitioner contention is that complainant and their family members wanted petitioner to marry victim in that regard they are pressurizing and in not yielding for their pressure false complaint has been filed after lapse of about more than 10 months.

In this regard, petitioner has filed bail petition before the Trial Court and it was rejected. Petitioner has made out *prima facie* case for grant of bail on the alleged fact that victim is not a minor so as to attract provisions of POSCO Act. Further, it is a matter of investigation and trial whether the petitioner has committed rape in the month of February, 2020 or not? Hence, petitioner is entitled to regular bail.

In the light of these facts and circumstances, petitioner has made out *prima facie* for grant of regular bail. Accordingly, bail application is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional



District Judge-VII-cum- Exclusive Special Judge (POSCO Act),
Gaya in connection with Sherghati (Dobhi) Police Station Case
No. 662/2020, subject to following conditions:-

(i) The petitioner shall co-operate in investigation and
in conclusion of the trial.

(ii) He shall remain present on each and every date of
trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or
intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates
without any valid reasons, his bail bonds is liable to be
cancelled.

(v) The Court below shall verify the criminal
antecedent of the petitioner and in the case, at any stage, it is
found that petitioner had concealed his criminal antecedent, the
court below or investigating authority shall take immediate step
for cancelling bail bond of the petitioner. However, acceptance
of bail bonds, in terms of the aforementioned order shall not be
delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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