

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3149 of 2015

Arising Out of PS.Case No. -42 Year- 2014 Thana -MAHILA P.S. District- PATNA

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Prabhat Kumar Son of Sri Ram Naresh Singh Resident of Vill- Karan -
Bigha, P.S- Mehandia, Distt.- Arwal, At present, B.N. Convent,
Sampatchak, P.S- Gopalpur, Distt.- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 22-01-2015 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of the
informant.

The petitioner seeks regular bail in a case registered
under Sections 376/420 of the Indian Penal Code.

The victim made allegation that he joined the school
of the petitioner on 03.07.2013 but left the job on 26.08.2013. The
petitioner took the victim in his room and committed rape with
her. She alleged that on the pretext of marriage, the petitioner
continued to have physical relation. On 30.05.2014, the petitioner
called her for settlement of marriage but thereafter abused her.

Learned counsel for the petitioner submits that the
victim is a major girl. She appears to be a consenting party. For
the first time, she is alleged to have been raped on 08.02.2013, but

she did not ever complain about it. She also alleged that the petitioner continued to have physical relation with her till 30.05.2014.

Learned counsel appearing for the informant, on the other hand, submits that the petitioner duped the victim on the pretext of marriage and established physical relation with her.

It appears from perusal of the records that the victim is a major girl. She disclosed her age to be 19 years on 08.09.2014. The doctor assessed the age of the victim to be 20 years. The victim has consented to have physical relation with the petitioner and that is why she continued to have physical relation with the petitioner for such a long time.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IX, Patna in S. Tr. No. 1121/14, arising out of Mahila P.S. Case No. 42 of 2014.

(Prabhat Kumar Jha, J)

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