

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31899 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -KHAGAUL District- PATNA

1. Rohit Kumar Son of Surendra Prasad Resident of Quarter No. 703 (a),
Medical Colony, Khagaul, P.S. Khagaul, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.40720 of 2015

Arising Out of PS.Case No. -52 Year- 2015 Thana -KHAGAUL District- PATNA

1. Sudhir Kumar @ Sudhir Son of Late Kishun Pal Singh Village -
Dalluchak, P.S. - Khagaul, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.31899 of 2015)

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

(In Cr.Misc. No.40720 of 2015)

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Nirmal Kr.Sinha(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 05-11-2015 Both the Criminal Miscellaneous arise out of the same

occurrence and as such both have been heard together and are

being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well

as the learned A.P.P.

The petitioners seek bail in a case for the offences

punishable under sections 376, 354 and 120 (B) of the I.P.C,

Sections 4, 14, 15 and 17 of the POSCO Act and Sections 66 E, 67, 67 A and 67 B of the Information Technology Act.

Allegedly, the petitioner Rohit Kumar after alluring the informant developed physical relation with her and got the same videograph and thereafter the video from the mobile of Rohit Kumar, the petitioner Sudhir Kumar @ Sudhir got transferred on his own mobile resulting those boys started seeing her by bad eyes.

Submission is that the informant and the petitioner Rohit Kumar having love affair have voluntarily developed sexual relationship so no offence under section 376 I.P.C. is made out. The victim-informant in her statement recorded under section 164 Cr.P.C has stated regarding the same and she developed sexual relationship with her consent and she has stated her age 19 years. The doctor has also examined her and has found her age 17 to 18 years and as such the informant-victim being major no offence as alleged is made out.

On behalf of petitioner Sudhir Kumar @ Sudhir it is stated that against him there is no allegation under section 376 I.P.C and it was Rohit Kumar only. By filing supplementary affidavit on behalf of Rohit Kumar it has been submitted that now the informant and the petitioner Rohit Kumar have agreed to marry and in support of that the informant is present with her parents. On behalf of the Informant also counter affidavit in this

regard has been filed. The informant and her learned counsel submit that now the petitioner be enlarged on bail so that marriage be performed as early as possible, to which the learned A.P.P. does not oppose.

In the facts and circumstances as stated above, both the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-1, Patna in Special (POCSO) Case No. 49 of 2015 arising out of Khagaul P.S. Case No. 52 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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