

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40048 of 2014

Arising Out of PS.Case No. -377 Year- 2013 Thana -KRITYANAND NAGAR District- PURNIA

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1. Kirtan Sharma Son of Sri Baldeo Sharma R/o Village Singhia, P.S. K. Nagar, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 02-04-2015 Heard learned counsel for the petitioner as well as
learned APP for the State.

There happens to be an allegation against the petitioner to have committed rape upon the victim, Sukni Kumari on the pretext of threat and subsequently thereof, continued in his malicious action alluring as well as making promise to marry, on account thereof, the victim became pregnant and that happens to be the reason behind filing of instant case after seven months of the alleged occurrence.

It has been submitted on behalf of petitioner that the victim happens to be of understandable age and on account thereof, her conduct is to be perceived at the first glance. Had there been a rape, at least, it was expected at the end of victim to proceed even to the extent of informing her parents, so that the

culprit could have been given a lesson but ignoring the same, she continued the relationship, which suggests contrary to the allegation. So submitted that petitioner is entitled for bail.

On the other end, learned APP opposed the prayer for bail and submitted that consent of a minor has got no value in the eye of law. Whether she was in the age of understandable or not is immaterial, the material point is, she should not be a minor. Furthermore, continuing with sexual indulgence repeatedly, knowing fully well that the victim happens to a minor one, is a serious matter and on account thereof, petitioner does not deserve bail.

Hence, prayer for bail, at the present moment, is rejected. However, after examination of the victim, petitioner, if so desires, may renew his prayer for bail.

(Aditya Kumar Trivedi, J)

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