

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.25520 of 2015**

Arising Out of PS.Case No. -76 Year- 2015 Thana -CHOUTARWA District-  
WESTCHAMPARAN(BETTIAH)

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1. Santosh Prasad, son of Bharat Prasad @ Bharat Sah Resident of  
Vill/Mohalla- Chautarwa, P.S. Chautarwa District-West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Binod Kumar No. 2(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN  
SHARMA**  
**ORAL ORDER**

3      12-10-2015                      Heard the learned counsel for the petitioner as well as  
the learned A.P.P.

The petitioner seeks bail in a case for the offences  
punishable under sections 376/34 of the I.P.C and section 4 of  
POCSO Act.

Allegedly, on the pretext to marry with the daughter  
of the informant the petitioner kept her at his house and developed  
physical relationship with her.

Submission is of false implication and that the  
daughter of the informant is major. The petitioner and the victim  
girl are having love affairs and both have decided to marry which  
has also been consented by the family members. In medical  
examination the victim has been found aged 17 to 19 years and no

sign of rape has been found. During trial the victim has been examined as P.W. 1 and during cross-examination she has not supported the allegation of rape and further the informant has been examined as P.W. 2 who has turned hostile and did not support the prosecution case and as such the petitioner who is suffering in custody since 15.03.2015 deserves sympathetic consideration as he has got no criminal antecedent, to which the learned A.P.P. fairly submits that during trial the informant has turned hostile.

In the facts and circumstances as stated above, the petitioner is directed to 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 Sri Ashok Kumar Srivastava-II, 1<sup>st</sup> Additional Sessions Judge-Cum- Special Judge, POCSO, Bagaha, District- West Champaran in POCSO Case No. 11 of 2015 arising out of Chautarwa P.S. Case No. 76 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J)**

Abhay/-

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