

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33498 of 2014

Arising Out of PS.Case No. -203 Year- 2013 Thana -SAHKUND District- BHAGALPUR

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1. Pankaj Das Son of Sargun Das Resident of Village AND P.O. - Sajour,
P.S. - Sajour (Sahkund), District - Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha

For the Opposite Party : Mr. Aditya Narayan Singh-I(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 03-02-2015 Petitioner is languishing in custody since 11.03.2014 in a case registered for the offences punishable under Sections 313, 315, 376 of the I.P.C and Section 4 of Protection of Children from Sexual Offences Act.

It is alleged that informant was working as domestic help in the house of this petitioner when this petitioner established forceful physical relationship with the informant. This fact was conveyed by the informant to her mother after being pregnant for six months. Thereafter co-accused Vikash Das and Ranju Das got the pregnancy terminated. The petitioner promised to make payment of Rs. 50,000/- but the same was not paid.

It is submitted by learned counsel for the petitioner that even as per own admission of the informant, no offence under Section 376 I.P.C is made out. Admittedly the

accusation of getting the pregnancy terminated is against co-accused Vikash Das and Ranju Das. The medical report does not suggest recent sexual activities. No external injury has been found though the Doctor suggested that earlier the pregnancy might have been terminated. The age of the victim has been assessed below eighteen years. Though in the F.I.R she claimed herself to be aged about sixteen years. The averments of the victim more suggest about the physical relationship with consent.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Bhagalpur in connection with Shahkund(Sajour) P.S. Case No. 203 of 2013.

Shageer/-

(Dinesh Kumar Singh, J)

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