

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24275 of 2016

Arising Out of PS.Case No. -299 Year- 2015 Thana -BAKHTIYARPUR District- PATNA

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1. Golu Kumar Verma son of Shyam Sundar Verma, resident of village-
Raghopur, P.S.- Bakhtiyarpur, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Yadav

For the Opposite Party/s Mr. Sanjay Kr. Tiwary No.1 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 15.07.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State assisted by learned counsel for
the informant.

Petitioner is in jail custody since 8.10.2015 in a case
registered under sections 376, 504, 506 of the Indian Penal Code and
section 8/12 of the POCSO Act on the accusation that he established
physical relation with a minor girl on false promise of marriage.

The victim supported the aforesaid allegation in her
statement recorded under section 164 Cr.P.C but in her written report,
she did not disclose the date when she was subjected to forcible sexual
relation.

Moreover, in the medical examination, victim was found
between 15 to 17 years. Therefore, even if the aforesaid finding of the
medical board assumed to be true, then also, victim was about to
approach majority.

Learned counsel for the petitioner submits that this false case has been brought by the informant at the behest of her father as her father had taken some loan and when the aforesaid loan amount was demanded, father of the informant set up the informant and got instituted this case. It is also pointed out by him that the petitioner has already been charge sheeted and prosecution evidence is going on.

Learned counsel appearing for the informant opposes the prayer submitting that on 7.6.2016 petitioner had given threatening of dire consequences to the informant when she came in court campus for evidence.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge I, Patna in Special (POCSO) case no. 14/2016 arising out of Bakhtiyarpur P.S. Case no. 299/2015.

However, it is made clear that so far as the above stated allegation of threatening is concerned, learned trial court shall be at liberty to make proper enquiry and pass appropriate order after due enquiry.

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(Hemant Kumar Srivastava,J)

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