

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29785 of 2016

Arising Out of PS.Case No. -77 Year- 2015 Thana -MAHILA P.S District- SUPAUL

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Sanjay Kumar Sharma @ Sanjay Sharma, Son of Shri Gugli Sharma,
resident of Village- Batram Chakla, Police Station- Raghopur, District-
Supaul.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Dr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 28-07-2016 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 366(A), 376/34 of the
Indian Penal Code and Section 6 of POCSO Act.

According to prosecution case itself, the
informant was in constant touch with petitioner and she used
to talk with him on mobile. Furthermore, the informant says
that on 06.09.2015 she along with her friend went to see fair
on the call of the petitioner and after that petitioner and one
co-accused took her on motorcycle and she was brought to the
relative of petitioner and from where she was taken at different

places and in the meantime, petitioner established physical relation with her on false promise of marriage. She further claims that she was got boarded in a bus by the petitioner and after that owner of the aforesaid bus brought her to Mahila Help Line and then she lodged the present case on 01.10.2015.

Submission on behalf of the petitioner is that no such occurrence, as alleged in the first information report, did ever take place and even if the first information report assumed to be true, then also, the fact of the present case goes to show that informant was a consenting party. It is further submitted that the informant disclosed her age as 16 years but as a matter of fact, she was major at the time of alleged occurrence. It is further submitted that informant herself claimed that she left her home on 06.09.2015 and went to Mahila Help Line on 01.10.2015 but it is surprising enough that between the aforesaid period her family members did not take any pain to lodge the case or to give information to any other person.

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/- (Ten Thousand) with two sureties of the like amount

each to the satisfaction of 1st Additional Sessions Judge,
Supaul in connection with POCSO Case No. 26 of 2015
arising out of Supaul Mahila P.S. Case No. 77 of 2015.

(Hemant Kumar Srivastava, J)

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