

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21275 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -MAHILA P.S. District- SASARAM (ROHTAS)

1. Monu Kumar @ Monu Chandravanshi son of Suresh Chandrawanshi @ Suresh Singh resident of Village- Rajandih, P.S.- Rajpur, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-06-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Dehri Mahila P.S.Case No. 73/2015 registered for offences
punishable under Sections 376, 420, 504 and 34 of the Indian
Penal Code and 4/6 POSCO Act.

The prosecution case as lodged on the basis of
written report of one Neha Kumari is that the petitioner, Monu
Kumar used to come in her house in absence of her family
members and sexually harassed her after making promise to marry
her but later on the petitioner and his family members denied to
marry with her and also threatened her and her family members.

It has been submitted by the learned counsel for the



petitioner that he has no criminal antecedent, as is evident from para-3 of this application and the victim, namely, Neha Kumari, has herself declared to be 17 years old and as such the application of Sections 4/6 POSCO Act is not applicable as the age can be ascertained after medical report. Even otherwise whether the informant is major or not is very difficult to ascertain at 17 years of age.

It has been submitted by the learned counsel for the petitioner that the allegation against the petitioner as made by the victim is false. The petitioner is running a medical dispensary and the victim, used to come to take training in the said dispensary with her parents and they wanted to marry with the victim but on refusal on the basis of false allegations the present case has been lodged.

Learned counsel for the petitioner submits that the petitioner is a man of means, hence the petitioner undertakes not to abscond or tamper with the evidence and he is ready to appear as and when required.

However, learned A.P.P. for the petitioner has submitted that the petitioner has been named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, let the above named petitioner in the

event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram (Rohtas) in connection with Dehri Mahila P.S. Case No. 73 of 2015, G.R. No. 2888/2015, subject to the conditions as laid down under Section 438 (2) Cr. P.C. as also with a condition that the petitioner will give an undertaking that the petitioner will be well represented in the Court on each and every date and in case of absence for two consecutive dates or in case of violation of terms of bail, his bail bond would be liable to be cancelled by the learned Court concerned.

(Nilu Agrawal, J)

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