

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24743 of 2016

Arising Out of PS.Case No. -159 Year- 2015 Thana -KADWA District- KATIHAR

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1. Sk. Riyasat Son of Sk. Muslim Resident of Village- Chouni, PS Kadwa,
District Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abdul Wadood

For the Opposite Party/s : Mr. Gopesh Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 14-06-2016

Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with Kadwa Police Station Case No. 159 of 2015 registered for the offences punishable under Sections 147, 149, 323, 376, 379, 354A of the Indian Penal Code and 4 and 12 of the POCSO Act.

The allegation against the petitioner is that he established physical relation with the informant on false promise of marriage.

The statement of the informant was recorded under section 164 of the Cr.P.C in which she stated that she had gone to attend 'Jalsa' on the invitation of the petitioner and, after that, she was taken to bamboo orchard where petitioner established physical relation with her on false promise of marriage. However, the informant specifically stated in her statement recorded under section 164 of the Cr.P.C that family members of the petitioner are

against their marriage though petitioner still wants to solemnize his marriage with her.

The submission on behalf of the petitioner is that the aforesaid statement of informant goes to show that there was love affair between the informant and petitioner and, furthermore, the petitioner still wants to solemnize his marriage with the informant and, therefore, the aforesaid circumstance also goes to show that the informant was a consenting party. It is also pointed out by him that the medical board found the age of victim/informant about 17 to 18 years.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall 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 the learned Additional Sessions Judge-1st, Katihar in Kadwa Police Station Case no. 159 of 2015, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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