

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23688 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -MAHILA PS District- KHAGARIA

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1. Suman Kumar Soni @ Balo Son of Laxmi Sah Resident of Village-
Parihara, P.S.-Bakhari, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-06-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Khagaria Mahila P.S. Case
No. 12 of 2017 instituted for the offence under Section-376 of the
Indian Penal Code and ¼ of the POCSO Act.

As per written report, the petitioner on the pretext of
marrying the informant, established physical relationship with her
from 04-02-2016 till 24-02-2017 and thereafter, he refused to
marry with her.

Learned counsel for the petitioner submits that the girl
was medically examined and the doctor found her age to be 17-18
years. The police after completion of investigation, submitted
charge sheet against the petitioner for the offence under
Sections 376, 493 of the Indian Penal Code. The doctor has found
no external injury or spermatozoa. The girl was found habitual to



sexual intercourse during the medical examination. The victim girl in her statement u/S 164 of the Cr.P.C. has stated her age to be 16 years. The court has assessed her age as 13 years.

From the allegation made in the written report as well as the statement of the victim recorded u/S 164 of the Cr.P.C., it appears that the informant was consenting party in establishing physical relationship. As per medical report, her age was 17-18 years. The charge sheet has already been submitted in the case.

In such circumstances, the prayer for bail is allowed and the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Khagaria Mahila P.S. Case No. 12 of 2017 to the satisfaction of learned Additional Sessions Judge-Ist, Khagaria subject to condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

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