

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28709 of 2017

Arising Out of PS.Case No. -13 Year- 2016 Thana -IMADPUR District- BHOJPUR

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Manish Kumar, Son of Gorakh Nath Thakur, resident of village: Moapkala,
Police Station- Imadpur, District Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Puja Kumari, daughter of Dinbaadhee Thakur, resident of village Bihta,
P.S. Imadpur, Distt. Bhojpur.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 11-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Sessions Trial No. 171 of
2017 arising out of Imadpur P.S. Case No. 13 of 2016 instituted
for the offence under Section 376 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that in
terms of order passed by this Court dated 30.03.2017 in Cr. Misc.
25924 of 2016, the petitioner has surrendered in the court below
and he is in custody since 3.6.2017. Prior to that, petitioner was
in custody for about six months.

It has been submitted that the girl has given her age in
the written report to be 18 years. She has stated that she has love
affair with this petitioner. She was living in live in relationship



with him for last three years. The petitioner also established physical relationship with her, but refused to perform marriage with her on the ground that his parents are not ready for the same.

Case diary has been received.

The statement of the victim girl recorded under Section 164 Cr. P.C. is available in paragraph 39 of the case diary wherein she has stated that she is living with this petitioner for last three years. Both are in love affairs and petitioner established physical relationship with her. The girl has given her age in her statement as 18 years and the court below also assessed her age as 18 years.

Learned counsel for the opposite party No. 2 has appeared and submitted that the girl has stated that petitioner established physical relationship for last three years and in that event, the girl at that time was minor. But no case has been registered under POCSO Act.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Distt. Sessions Judge-VI, Bhojpur, Ara, in connection with Sessions Trial No. 171



of 2017 arising out of Imadpur P.S. Case No. 13 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

The petitioner will cooperate in trial and he will remain present on each and every date of trial till disposal of the case. He will not attempt to either tamper the evidence or delay the trial. In the event of non-appearance of the petitioner on two consecutive dates, his bail bonds will be liable to be cancelled.

(Sanjay Priya, J)

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