

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40955 of 2017

Arising Out of PS.Case No. -96 Year- 2017 Thana -KHARAGPUR District- MUNGER

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1. Chhotu Kumar, son of Ram Vilash Ravidas, Resident of Village-
Mohanpur, P.S.- Haveli Kharagpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-09-2017 Heard the parties.

The petitioner seeks regular bail in connection with Kharagpur P.S. Case No.96 of 2017, registered for offences punishable under Section 376 of the Indian Penal Code as well as Section 4 of the POCSO Act.

Allegation against the petitioner is of committing rape upon the daughter of the informant.

Submission of learned counsel for the petitioner is that as a matter of fact there was love affair between the petitioner and daughter of the informant and whatever happened, that is a consensual approach and as such no offence is made out under Section 376 of the Indian Penal code. It has further been submitted that age of the girl has been assessed by the court under Section



164 Cr.P.C. as 18 years and petitioner is in custody since 28.03.2017

Heard learned A.P.P. also who has opposed the prayer for bail on the ground that girl was minor and the charge-sheet has also been submitted under the POCSO Act.

Having heard both sides and in view of the fact and circumstances, as stated above, at this stage, I am not inclined to grant bail to the petitioner. However, learned trial court is directed to expedite the trial and after evidence of the girl, the petitioner may renew his prayer for bail which will be considered by the court below on the basis of materials available on record.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J.)

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