

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53851 of 2017

Arising Out of PS.Case No. -10 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Jitendra Sharma S/o Upendra Sharma, Resident of Village-Sanda, P.S.-
Amba, District-Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Aurangabad (Town) Mahila P.S. Case No. 10 of 2017 dated 18.04.2017 instituted for the offences under Sections 376, 341 and 342 of the Indian Penal Code and Section 4 of the POCSO Act.

One Tanu Kumari has alleged that on the pretext of marriage, she was taken by the petitioner on motorcycle to Aurangabad and was subjected to sexual intercourse. On the next day, the petitioner is said to have run away leaving behind the prosecutrix.

Learned counsel for the petitioner has drawn the attention of this Court to the statement made by the informant/prosecutrix under Section 164 Cr.P.C. wherein she has



stated that for the last one year, she was having physical relation with the petitioner. However, she has also stated that the petitioner had been promising to her that he will marry her sometimes later.

Mr. Krishna Prasad Singh, learned Senior counsel has drawn the attention of this Court to the statement made by the uncle of the prosecutrix wherein it has been averred that for the purposes of pressurizing the petitioner to marry the informant/prosecutrix, a false case has been lodged against him. The petitioner happens to be the cousin brother-in-law of the elder sister of the prosecutrix. The prosecutrix has also filed a petition before the court below seeking settlement of the matter.

The petitioner is in custody since 30.08.2017.

For the facts aforesaid, this Court is inclined to grant bail to the petitioner.

The petitioner above named is directed to be released on bail on furnishing his bail bond of a sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, Aurangabad in connection with Aurangabad (Town) Mahila P.S. Case No. 10 of 2017.

(Ashutosh Kumar, J)

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