

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31420 of 2017

Arising Out of PS.Case No. -366 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

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1. Parmod Kumar @ Pramod Kumar Priyadarshi Son of Late Jai Kishore Yadav, Resident of Village- Kariyat, P.S.- Sour Bazar, (Patarghat O.P.), District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-08-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since 03.03.2017 in connection with Sour Bazar P.S. Case No. 366/2016 for offences punishable under Sections 341, 342, 323, 376, 313, 504, 506, 34 of the Indian Penal Code and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is that she was subjected to physical relationship with the petitioner on the pretext of marriage since last one year and on 20.09.2016 the petitioner along with three others took her to a private nurse on the pretext that she is a doctor, who injected her, as a result her



pregnancy got terminated. She came home but she was sent to the petitioner's house, from where she was turned out.

It has been submitted by the learned counsel for the petitioner that he is innocent, no such occurrence occurred as the petitioner was having a love affair with the informant and it was a consensual relationship. He submits that as per the medical report the age of the informant is above 18 years, as such, provisions of POCSO Act will not apply and that she has been detected positive in her pregnancy test. It is submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that mother of the informant had gone along with the informant and the petitioner to the doctor's clinic as stated by the informant's mother in paragraph 5 of the case diary.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the informant has been subjected to sexual relationship by the petitioner on the pretext of marriage and has been left thereafter.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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
1st Addl. Sessions Judge cum Special Judge, Saharsa, in
connection with Sour Bazar P.S. Case No. 366/2016 giving rise to
POCSO Case No. 33 of 2016.

(Nilu Agrawal, J)

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