

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31303 of 2017

Arising Out of PS.Case No. -189 Year- 2016 Thana -DESARI District- VAISHALI(HAJIPUR)

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Dhiraj Kumar, Son of Ashok Rai @ Ashok Kumar Rai, Resident of Village-
Rampur Khairi, P.S.-Desari (Sahdei O.P.), District-Vaishali

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 11-07-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Desari (Sahdei O.P.) P.S. Case No. 189 of 2016 instituted for the offence under Sections 363, 366(A), 376, 323, 341, 504 of the Indian Penal Code, Sections 4, 6 and 10 of POCSO Act.

It has been submitted on behalf of the petitioner that the victim girl has already been married with Arun Rai, in support of which a photocopy of voter list has been enclosed as Annexure-2. It has further been submitted that the victim was a consenting party.

As per allegation, the petitioner used to come to the house of the complainant. He gave invitation card to the father of the informant to come in marriage ceremony of his sister. Thereafter, the complainant along with her father attended the marriage ceremony of the sister of the petitioner. The informant stayed there for a week and



thereafter, the petitioner took her to Sahdei Station and went to Delhi where he used to reside with her and established physical relationship on the pretext of marrying with her.

The victim girl has given statement under Section 164 Cr. P.C. wherein she has narrated almost similar facts as mentioned in the written report. She has stated her age to be 16 years but Doctor has assessed her age to be more than 20 years. In such circumstances, even if the allegation made in the written report as well as the statement made under Section 164 Cr. P.C. are taken at their face value, it appears that there was consent of the victim girl.

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 1st Additional Sessions Judge-cum-Special Court POCSO Act, in connection with Desari (Sahdei O.P.) P.S. Case No. 189 of 2016, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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