

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54079 of 2017

Arising Out of PS.Case No. -96 Year- 2016 Thana -MAHILA P.S. District- MADHUBANI

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1. Sanjay Kumar Mehta, Son of Chandeshwar Prasad Mehta, Resident of
Village- Sonmati, P.O.- Patharahi, P.S.- Babubarhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Opposite Party/s : Mr. Sri Kumar Ranjit Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-12-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Mahila P.S.

Case No. 96/2016 dated 23.11.2016 instituted for the offences under
Sections 376, 452 and 120(B) of the Indian Penal Code read with
Section 4 of the POCSO Act, 2012.

The petitioner is alleged to have raped the prosecutrix
continuously since 2015 on the assurance to her that she would
marry her.

Learned counsel for the petitioner has drawn the attention
of this Court to the statement made by the prosecutrix under Section
164 of the Cr.P.C., which makes it very evident that while the
prosecutrix was studying in a coaching centre along with the
petitioner, she developed a liking for him. Later, at her instance, the
petitioner had gone to the house of the prosecutrix and subjected her



to sexual intercourse. This continued admittedly for about two years and the prosecutrix communicated about relationship to the father of the petitioner. The father of the petitioner, later, agreed to solemnize the marriage of the petitioner with the prosecutrix; but somehow or the other such promise was not fulfilled. However, the prosecutrix continued to permit the petitioner for sexual relation and on one particular day, when the family members of the prosecutrix saw her in an objectionable condition with the petitioner, the petitioner was arrested and taken into custody. Though, the prosecutrix has stated her age to be 16 years in the F.I.R. and in her statement under Section 164 of the Cr.P.C, but on the day of lodging of the F.I.R., she was put to medical test and the opinion of the Medical Board regarding her age was 19 years.

The petitioner is in custody since 23.07.2017.

Regard being had to the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Mahila P.S. Case No. 96/2016.

(Ashutosh Kumar, J.)

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