

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16990 of 2017

Arising Out of PS.Case No. -213 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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Avinash Kumar @ Avinash Rai Son of Sitab Lal Rai, Resident of Village-
Nilkanthpur, P.S.- Mahua, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr. Advocate

For the Opposite Party/s : Mr. Sri Panchanand Pandit, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-04-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in Mahua P.S. Case No.
213 of 2015 arising from Complaint Case No. 1207 of 2015
instituted for the offence under Sections 363, 366(A) and 376/34
of the Indian Penal Code and Sections 4/6 of the POCSO Act.

It has been stated by counsel for the petitioner that
the victim is a married girl. As per the complaint, occurrence took
place on 15.4.2015 and the complaint was filed after six days on
21.4.2015. In the complaint petition itself it has been mentioned
by the complainant, who is father of the victim girl that the
petitioner used to talk with his daughter. Thereafter the victim girl
was recovered and gave her statement under Section 164 Cr.P.C.



on 22.1.2016, wherein she has stated that the petitioner took her to Delhi with two other boys and lived in a rented house and also established physical relationship.

From the narration as made in the complaint, the statement of the victim girl and also the fact that the victim is a married girl, it appears that even if the occurrence had taken place, it was with the consent of the girl.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail 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 the Additional Sessions Judge-1st cum- Special Judge, Vaishali at Hajipur in connection with Mahua P.S. Case No. 213 of 2015(A) subject to the conditions that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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