

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38930 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -MAHILA PS District- AURANGABAD

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Chhotu Kumar S/o Hiralal Chaudhary resident of Village - Parsadih, P.S.
Salaiya, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Town (Mahila)
P.S. Case No. 07 of 2018 for offences punishable under Sections
366(A), 376, 420 of the Indian Penal Code and Section 4 of
POCSO Act.

The prosecution case, as lodged by the victim girl, is
that she is 17 years of age and the petitioner on the pretext of
marriage had taken her to Delhi and established physical
relationship with her and refused to marry her.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, is himself



a young boy of 20-22 years as stated by the victim girl herself in her F.I.R. and that the victim girl in her statement under Section 164 Cr.P.C. has herself stated that she went out of her own sweet will with the petitioner and the medical report suggests her age to be 19-20 years although the Magistrate has recorded her age to be 17 years. He submits that the victim girl is a major, hence the provisions of POCSO Act are not applicable, the petitioner is languishing in judicial custody since 13.03.2018, charge sheet having been submitted.

However, learned APP for the State 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 1st Additional Sessions Judge-cum-Special Judge (POCSO) Act, Aurangabad in connection with Town (Mahila) P.S. Case No. 07 of 2018, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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