

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63050 of 2017

Arising Out of PS.Case No. -59 Year- 2017 Thana -MAHILA PS District- DARBHANGA

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Pourushram Sahni @ Pashuram Sahni, aged about 26 years, Son of Ram Chandra Sahni @ Chander Sahni, resident of Village- Kumarapatti, P.S.- Simri, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shama Sinha, Advocate.

For the Opposite Party/s : Mr. Arbind Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 13-02-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Mahila P.S.**

Case No. 59 of 2017 instituted for the offence under Sections 376, 313 of the Indian Penal Code and Section 4/6 of POCSO Act.

It is alleged in the complaint petition which was sent to Police Station under Section 156(3) Cr. P.C. that this petitioner established physical relationship with informant for three years on pretext to marry with her. When the complainant became pregnant, the petitioner gave tablet to her, as a result of which, her two months pregnancy was terminated. It is further alleged that on 10.6.2017, the complainant asked the petitioner to perform marriage with her, but he refused to do so and told that he would marry with her if she will pay Rs.2,00,000/-, one Motorcycle and



five bhar gold.

The Medical report of the victim girl has been enclosed as Annexure-2 wherein the Doctor has found the age of the girl between 18 to 19 years.

From the narration in the complaint petition itself it appears that even if the occurrence has taken place, it was with consent of the complainant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Mahila P.S. Case No. 59 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Sessions Judge, 1st, cum Special Judge (POCSO), Darbhanga**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner



tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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