

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52835 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -BARARI District- KATIHAR

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1. Md. Arif Son of Md. Numan Resident of village- Baisakhaghat, P.S.-
Bararia, District- Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 08-01-2018

Heard the counsels for the parties.

The petitioner seeks bail in connection with Barari P.S.
Case No. 15/2017 dated 17.01.2017 instituted for the offences
under Sections 376, 504, 341, 323, 506 and 379/34 of the Indian
Penal Code and Section 4 of the POCSO Act, 2012.

The prosecutrix is said to have been subjected to sexual
intercourse several times for the last seven months and when she
got pregnant, she informed about the act of the petitioner to her
parents. When the parents of the prosecutrix went to the house of
the petitioner, they were made to understand that the accused
persons are only willing to part them Rs. 1 lakh for the purposes of
aborting the prosecutrix and no further.

Md. Shamshi, learned counsel for the petitioner, has



submitted that from the F.I.R. itself, it would appear that the prosecutrix had consented for the sexual intercourse or else she would not have permitted this kind of relationship for about seven months. He has further submitted that mere inducement of marriage is no ground to prosecute some body for the offence of rape as it can be foretaken that the sexual act was out of consent, though, on the assurance of marriage. The last of the argument of Mr. Shamshi is that on medical examination, the prosecutrix was found to be of 16 to 17 years of age and the assessment of the doctor is always subject to a year less or more. On the aforesaid grounds, learned counsel for the petitioner, has prayed for bail of the petitioner.

Considering the nature of accusation against the petitioner and the fact that the petitioner is found to be less than 18 years of age, I am not inclined to grant bail to him for the present.

The prayer for bail of the petitioner is thus rejected.

(Ashutosh Kumar, J.)

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