

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16148 of 2018

Arising Out of PS. Case No.-49 Year-2017 Thana- BIBHUTIPUR District- Samastipur

Ranjit Kumar, Son of Ram Bharosh Mahto, Resident of Village- Singhia
Bujurg North, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrwal, Sr. Advocate, Mr. Kumar Praveen, Advocate
For the Opposite Party/s	:	Mr. Sri Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-06-2018 Heard learned counsel for the petitioner, informant and
learned APP for the State.

Petitioner apprehends his arrest in Bibhutipur P.S. Case
No. 49 of 2017 instituted for the offence under Section(s)376 of
the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that this case is
of consensual sex between the daughter of the informant and the
petitioner. It is further submitted that an incident took place on
26-01-2017 as per written report and the FIR has been lodged
on 15-03-2017. It is further submitted that victim girl has given
her statement under Section 164 Cr.PC which is annexed as
Annexure-3 to bail petition wherein she has stated that she was
having relation with the petitioner for the last 6 months on the



assurance of marriage. The court has assessed the age of victim to be 17 years and she has stated her age to be 16 years in statement recorded under Section 164 Cr.P.C. The girl has been medically examined wherein the doctor has assessed her age to be above 18 years.

In the written report, it is alleged that in the night of 26-01-2017 when the informant started searching his daughter, he found her and petitioner in the compromising position. The complainant tried to apprehend the petitioner who managed to run away. Thereafter, panchayti was held for fixing date of marriage but marriage could not be performed. As such it appears that there was no force applied by the petitioner with the daughter of the informant to establish physical relationship.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Bibhutipur P.S. Case No. 49 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 the learned Additional District and Sessions Judge-I, Samastipur, 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 absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner 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.

(Sanjay Priya, J)

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