

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27787 of 2018

Arising Out of PS.Case No. -78 Year- 2018 Thana -KONCH District- GAYA

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1. Santosh Kumar Son of Bhim Singh Resident of Village-
Maricha(Regania), Police Station- Amas, District- Gaya... Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Sri Akbar Ali

For the Informant : Mr. S.K.Lal

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL ORDER

5 16-07-2018 Heard learned Counsel for the petitioner and the State as also
the learned Counsel appearing on behalf of the informant.

Petitioner, already in custody since 24.3.2018 seeks bail in
Konch PS Case No. 78 of 2018 registered under Sections 344, 313,
493 and 506/34 of the IPC.

The allegation in brief is that the petitioner on the pretext to
marry the prosecutrix, sexually exploited her for two years and out of
the relationship she became pregnant and her pregnancy was also got
terminated.

Learned Counsel for the petitioner submits that in view of
the allegation itself it was a consensual relationship between the two
adults as the prosecutrix has also stated that earlier also a case was
instituted against the petitioner by her father making allegation of
kidnapping by the petitioner for the purpose of marriage, in that case
her statement was recorded under Section 164 Cr.P.C. wherein she
denied the allegations leveled by her father and the Medical Board
has assessed her age 19 years.

Whereas learned Counsel appearing on behalf of the
prosecutrix submits that for the last two years on the pretext of
marriage the petitioner sexually exploited her and got her pregnancy
terminated also.



Having considered the said facts and circumstances particularly the allegation itself that the prosecutrix was living with the petitioner at different places for two years and she is adult so the petitioner, namely, Santosh Kumar is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of ACJM Gaya in connection with Konch PS Case No. 78 of 2018.

(Arun Kumar, J)

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