

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12974 of 2019**

Arising Out of P.S. Case No.-157 Year-2018 Thana- BELA District- Sitamarhi

=====

GULAB, age-24 years, Gender-Male, son of Late Habib, resident of village-
Machhpakouni, P.S. Bela, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 05-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
15.09.2018 in connection with Bela P.S.Case No.157 of 2018
for the offence alleged under Sections 376/120B of the Indian
Penal Code and Sections 3/4 of the POCSO Act.

The prosecution case by way of Complaint Case
lodged by the informant/victim being Complaint Case No.1296
of 2018 which was later converted into an FIR under Section
156(3) of the Cr.P.C. is that the petitioner has divulged that she
is 16 years old girl, studying, and the petitioner has indulged in
sexual intercourse with her.

It has been submitted by the learned counsel for the
petitioner that he is innocent and the victim girl has been



assessed by the medical board to be 18 to 19 years of age, as such, the POCSO Act will not apply. He further submits that a joint compromise has been filed before the Sub Judge-cum-Ist Additional Sessions Judge, Sitamarhi stating therein that the petitioner and the informant (victim) are ready to marry which is Annexure-3 of the present application.

However, learned APP for the State opposes the prayer for bail.

Considering the fact that the victim girl has been assessed to be a major and that the petitioner is ready to marry the victim girl as per compromise as contained in Annexure-3, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bela P.S.Case No.157 of 2018 to the satisfaction of learned Additional District Judge-I-cum-Special Judge, Sitamarhi, subject to the following conditions:-

(i) 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.

(ii) The learned court below on being satisfied that the petitioner is ready to honour the compromise and also ready to



marry with the victim girl, the petitioner would be released on
bail.

(Nilu Agrawal, J)

B.Kr./-

U		T	
---	--	---	--

