

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19207 of 2019

Arising Out of PS. Case No.-49 Year-2018 Thana- MAHILA P.S. District- Saran

BHOLA SHARMA Son of Rameshwar Thakur, Resident of village-Makinpur,
P.S-Garkha, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ved Prakash Srivastva

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 29-03-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Mahila P. S. Case No. 49
of 2018 instituted for the offence under Section(s) 376 of the
Indian Penal Code and Section 3/4 of POCSO Act

In the written report, it is alleged that petitioner about
3 months back from the date of institution of FIR committed
rape with her on the point of *Hasuwa* and also gave threat not
to disclose the matter to any one otherwise he would kill her. It
is further alleged that on 26.10.2018 the informant suffered
pain in her abdomen and went to Government Hospital, Garkha
where the doctor diagnosed her pregnant of three months. She
returned to her house and narrated the occurrence to her
parents and Sarpunch of the village and also informed the local



police station. Thereafter the instant case has been lodged.

Learned counsel for petitioner submits that no any complaint was filed by the informant earlier with regard to offence of rape committed by petitioner. The girl has been medically examined. The doctor has found that she was carrying pregnancy of six weeks. The doctor has found her habitual to sexual intercourse. The statement of the informant in the FIR that she was found pregnant of three months does not get support from the Medical report.

Petitioner is in custody since 22.11.2018.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge, Saran, Chapra in connection with Mahila P. S. Case No. 49 of 2018, subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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