

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39405 of 2019**

Arising Out of PS. Case No.-65 Year-2018 Thana- MAHILA P.S. District- Madhubani

AMARNATH KUMAR @ SHRI NIWAS Son of Ram Babu Singh, Resident  
of Village- Hanuman Nagar, P.S.- Khutauna, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Baleshwar Kamat

For the Opposite Party/s : Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**  
**ORAL ORDER**

3      21-08-2019                      Heard the learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in Women P.S. Case No.  
65/2018, G.R. No. 65A/2018, instituted for offence under  
Section(s) 341, 323, 376/34 of the Indian Penal Code read with  
Section 4 of POCSO Act.

It is alleged in the written report that petitioner has  
established physical relationship with the informant several times  
on the pretext of marriage on account of which she became  
pregnant of seven months. Later on petitioner refused to perform  
marriage with informant.

Learned counsel for State has submitted that victim has  
given statement under Section 164 Cr.P.C. wherein she has stated  
that petitioner used to establish physical relation with her on the  
pretext of performing marriage on account of which she became



pregnant. She has stated that petitioner has established physical relationship with her several times on account of which she became pregnant of seven months.

From the written report and the statement of victim recorded under Section 164 Cr.P.C. it appears that physical relationship between the petitioner and the informant continued for several months, which cannot be done without consent of informant.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. 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 learned 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge (POCSO Act), Madhubani, in connection with Women P.S. Case No. 65/2018, G.R. No. 65A/2018, subject to the conditions that both the bailors shall be the close relative of the petitioner.

**(Sanjay Priya, J)**

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