

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75255 of 2018

Arising Out of PS. Case No.-20 Year-2018 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Mister @ Md. Anish, Son of Md. Sidique, Resident of Village- Suja Tola,
P.S. Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate.
For the informant	:	Mr. Binod Kumar, Advocate.
For the Opposite Party/s	:	Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 25-02-2019 Heard learned counsel for the petitioner, counsel for
the informant and the State.

The petitioner seeks bail in **Muffasil P.S. Case No. 20 of 2018**, instituted for the offence under Section(s) 376 of the Indian Penal Code and Sections 7 and 8 of POCSO Act.

It is alleged in the written report that petitioner established physical relationship with daughter of the informant who is minor on the pretext of performing marriage with her. The daughter of informant became pregnant. The petitioner refused to perform marriage with her in spite of Panchayti having taken place.

Counsel for the petitioner submits that there is love affair between daughter of the informant and petitioner.



Case diary has been received.

The statement of victim girl recorded under Section 164 Cr. P.C. is available in paragraph-17 of the case diary wherein she has stated that petitioner has established physical relationship with her and refused to marry her. The victim girl has been medically examined and the Medical Board has assessed her age between 15-17 years.

Counsel for the informant has appeared and submitted that petitioner has established physical relationship after giving false promise of performing marriage with her.

From the allegation in written report and statement of victim girl recorded under Section 164 Cr. P.C., it appears that petitioner established physical relationship with victim girl several times, on account of which, she became pregnant. The continuous relationship can not be established without consent of the victim girl.

Considering the aforesaid facts and circumstances of the case, 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 learned **Additional Sessions Judge-I-cum Special Judge Children Court,**



Begusarai, in connection with **Muffasil P.S. Case No. 20 of 2018**, subject to the condition that both the bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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