

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43778 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- MAHESHKHUNT District- Khagaria

Birchandar Patel @ Sonu Kumar @ Bir Chand Patel @ Birsan Patel @ Sonu
Son of Late Updesh Singh Resident of Village- Sirjua, P.S.- Maheshkhunt,
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 452, 376, 323/34 of the Indian Penal Code and Section
4 of POCSO Act.

Allegation is that the on the pretext of marriage the
petitioner established physical relation with the victim.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 24.03.2019 and has got no
criminal antecedent. Charge sheet has been submitted in this
case. There is no allegation of tampering of witnesses alleged
against the petitioner. As per the medical report, the age of the
girl is 18 years. She is major. On the pretext of marriage



physical relation was established by the petitioner. The petitioner has further relied upon the cases reported in Dr. Dhruva Ram Murlidhar Sonar vs. State of Maharashtra [2019 SCC online 3100] and K.P. Thimmappa Gowda vs. State of Karnataka [2011(3) BBCJ 159 (S.C.)].

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional Sessions Judge 1st, Khagaria in connection with POCSO case No.07 of 2019 arising out of Maheshkhunt P.S. case No.39 of 2019.

(Sudhir Singh, J)

Narendra/-

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