

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46538 of 2019

Arising Out of PS. Case No.-127 Year-2019 Thana- ATRI District- Gaya

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AMIT CHAUDHARY Son of Bhagwan Das Chaudhary Resident of Village-
Pirbigha, P.S.- Chakand, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 27-09-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Atri P.S. Case No. 127 of 2019, registered for the offence
punishable under Sections 376, 376(DA), 504 of the Indian
Penal Code and Section 6 of the POCSO Act.

The allegation is regarding the petitioner herein
having established physical relation with the victim girl by
promising her that he would solemnize marriage with her and
they were caught red-handed while being in compromising
position.

The learned counsel for the petitioner submits that
in paragraph no. 50 of the case diary, the police, upon
investigation, has found that the marriage of the victim girl



was solemnized in the year, 2017 with one Rakesh Kumar whereafter the said Rakesh Kumar had solemnized marriage with another lady and the marriage of the victim girl with the said Rakesh Kumar had snapped whereupon, she had been establishing physical relation with the petitioner herein inasmuch as the petitioner used to promise her that he would solemnize marriage with her. The learned counsel for the petitioner has further submitted that the age of the petitioner is borderline as far as POCSO Act is concerned and moreover, it has been concluded by the Doctor in question, in her medical report, that the victim girl is used to regular sexual intercourse in the past. Lastly, it is submitted that there is no allegation of any rape being committed by the petitioner in its strict sense. The petitioner is stated to be having a clean antecedent and he is languishing in custody since 3.4.2019.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, 1st cum



Special Judge, POCSO Act, Gaya in connection with POCSO
Case No. 36 of 2018 arising out of Atri P.S. Case No. 127 of
2019.

(Mohit Kumar Shah, J)

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