

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48287 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BEERPUR District- Begusarai

MD. MAJUL Son of Md. Azam Resident of Village - Maida Bhawangama,
P.S.- Birpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 19-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 376, 506, 34 of the Indian Penal Code and 4, 8 and 12 of the POCSO Act.

The prosecution case in short is that the accused persons established physical relation with the informant on the pretext of marriage.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.3.2019 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The petitioner is alleged to have



established physical relationship on the assurance of marriage. Subsequently, the petitioner refused to marry with the victim and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that at best, it is a case of consensual sex. He has placed reliance of a case of the Hon'ble Supreme Court since reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors.)**.

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

Considering the aforesaid facts and circumstances, it is directed that 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 Additional Sessions Judge- 1st -cum- Special Judge, POCSO Act, Begusarai in connection with POCSO Case No. 20/19 in connection with Birpur P.S. Case No. 40 of 2019.

(Sudhir Singh, J)

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