

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50853 of 2019

Arising Out of PS. Case No.-125 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

LADLA KUMAR Son of Munna Sah Resident of Village - Gudri Bazar, P.S.-
Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shakti Suman Kumar
For the State	:	Mr. Nawal Kishore Pd.
For the informant	:	Mr. Baidya Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-08-2019 Heard learned counsel for the petitioner, informant
and the learned APP for the State.

The petitioner seeks bail in Laheriasarai P. S. Case
No. 125 of 2019 instituted for the offence under Section(s) 376
of the Indian Penal Code and Section 4/6 of the POCSO Act.

In the written report, it is alleged that this petitioner
on pretext of performing marriage established physical
relationship with informant for last four years and later on
refused to marry the informant. It is further alleged that on
22.3.2019 the parent of the informant had gone out of the house.
The petitioner forcibly took her towards back of the house and
committed rape with her.

Learned counsel for petitioner has submitted that



victim has been medically examined. In the medical Board the doctor has assessed her age between 18 to 19 years and doctor has found no sign of sexual intercourse on her body.

Learned counsel for the informant has appeared and opposed the prayer for bail. He submits that medical examination of the girl was done on 27.3.2019 at belated stage. He further submits that the victim is minor. As per birth certificate her date of birth is 31.12.2005.

This Court finds from the allegation in the written report that physical relation was continuing for last four years between petitioner and victim. Therefore it cannot be presumed that the aforesaid act was forcible or without consent of the informant.

The petitioner is in custody since 17.5.2019 having no criminal antecedent.

Considering the aforesaid, 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 1st Addl. Sessions Judge, cum spl. POCSO Act, Darbhanga, in connection with Laheriasarai P. S. Case No. 125 of 2019, POCSO G.R. case no. 15 of 2019 subject to the condition that both the bailors shall be the close



relative of the petitioner.

(Sanjay Priya, J)

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