

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7918 of 2020**

Arising Out of PS. Case No.-60 Year-2018 Thana- MAHUA District- Vaishali

Rahul Kumar @ Rahul Anand Son of Shiv Prasad Sah Resident of Village - Govindpur, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA**

ORAL ORDER

3      05-06-2020                      Heard learned counsel appearing for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in connection with Mahua P.S. Case No. 60 of 2018 registered for the offences punishable under Sections 366A, 506/34 of the Indian Penal Code and, later on, added Sections 363, 376 of the Indian Penal Code and Sections 4/ 6 of the POCSO Act.

The statement of victim was recorded under Section 164 of the Code of Criminal Procedure on 19.3.2018 and according to the prosecution case itself, the alleged occurrence took place on 27.2.2018 and the informant gave written report on 17.3.2018. Furthermore, it is an admitted case of the prosecution that the victim was recovered from Hyderabad and, thereafter, she was brought to her home by her parents. The



informant claimed in the written report that the victim was aged about 14 years at the time of alleged occurrence and the learned Magistrate, who recorded the statement of the victim also assessed her age as 14 years.

However, learned counsel appearing for petitioner submits that the victim was medically examined and she was found between 17-19 years and, therefore, the aforesaid fact goes to show that the victim was major at the time of alleged occurrence. He, further, submits that the petitioner does not have any concern with the victim and, as a matter of fact, after such a long delay of the occurrence, the informant lodged this false case against the petitioner. He, further, submits that even if the prosecution story assumes to be true, then also, there appears to be love affair between the petitioner and victim and, moreover, the informant and victim have already filed compromise petition in which they have, specifically, stated that the victim gave her statement before the Magistrate under threat.

Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Addl. Sessions Judge – cum -



Special Judge, POCSO Act, Vaishali at Hajipur/concerned court  
in connection with Mahua P.S. Case No. 60/2018.

**(Hemant Kumar Srivastava, J)**

Spd/-

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