

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16793 of 2020

Arising Out of PS. Case No.-6 Year-2019 Thana- MAHILA P.S. District- Madhubani

DHARMENDRA KUMAR SAH @ DHARMENDRA SAH S/o Late Mishri
Lal Sah Resident of Village-Bairbouna, P.S-Khutauna, District-Madhubani.
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Section 376 of the I.P.C. and 4 of POCSO Act.

The prosecution case, in short, is that the petitioner
on the pretext of marriage committed rape upon the victim.

It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11.02.2020 and has got no
criminal antecedent. Charge sheet has been submitted in this
case. There is no allegation of tampering of witnesses against



the petitioner. The petitioner has falsely been implicated in this case. Learned counsel for the petitioner submits that from perusal of the F.I.R. itself, 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 facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge of POCSO Act, Madhubani in connection with Mahila P.S. case No.6 of 2019.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

Narendra/-

(Sudhir Singh, J)

U		T	
---	--	---	--

