

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18238 of 2020**

Arising Out of PS. Case No.-101 Year-2019 Thana- MAHILA PS District- Darbhanga

BHANU PRATAP SUMAN S/o Yogendra Paswan Resident of Village-  
Basauli, P.S.- Rahika, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Shahnawaz Ali

For the Opposite Party/s : Mr.Surendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      17-08-2020                      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 is apprehending his arrest in a case  
registered under Sections 323, 376, 354(C), 504, 34 of the  
Indian Penal Code and 4 and 6 of POCSO Act.

The prosecution allegation, in short, is that the  
accused person established physical relation with the victim on  
the assurance of the marriage and later denied.

It has been submitted on behalf of the petitioner that  
the petitioner has got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioner. As per the medical report, no spermatozoa is said to have been found. The victim is assessed to be 19-20 years of age. On the pretext of marriage, a consensual physical relationship is said to have been established. The petitioner 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./complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned Court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge-cum- Special Judge (POCSO Act), Darbhanga in connection with Darbhanga Mahila P.S. Case No. 101 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 seven



weeks to the satisfaction of the Court concerned in connection  
with the aforesaid case.

**(Sudhir Singh, J)**

Pankaj/-

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