

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20338 of 2020

Arising Out of PS. Case No.-14 Year-2017 Thana- KOTHIGRAM District- Gaya

Mahboob Khan @ Mahboob Kha Son of Mansur Khan Resident of Village-
Ranipur, P.S.- Kothi and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Jai Narain Thakur

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

ORAL ORDER

7 07-12-2020 The defects as pointed out by the office has already
been removed by the petitioner by filing supplementary
affidavit.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner is in jail custody since 12.12.2019 in a case
registered in connection with Kothi P.S Case No. 14 of 2017 for
the offences punishable under Sections 376 of the Indian Penal
Code and section 4 of the POCSO Act 2012.

The victim has admitted in her written report that she
was in physical relation with the petitioner since last one year
from the date of filing of the written report. The victim claimed



that she established physical relation with the petitioner as petitioner assured her for marriage but when she became pregnant, petitioner refused to marry with her.

Learned counsel appearing for the petitioner submits that the victim was major at the time of so called establishment of physical relation which is evident from medical report of victim which has been incorporated at para-53 of the case diary.

Learned counsel for the petitioner further submits that the victim was found aged about above 19 years at the time of her medical examination which took place on 24.03.2017. He further submits that the above stated fact goes to show that the victim was major of the time of alleged occurrence and being major, she had given consent for physical relation and, therefore, neither case under section 376 of the Indian Penal Code nor section 4 of POCSO Act 2012 is made out. Moreover, petitioner is in jail custody since long.

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 bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge 1st cum



Special Judge (POCSO Act), Gaya in connection with Kothi
P.S.Case No. 14 of 2017.

N.K/-

(Hemant Kumar Srivastava, J)

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