

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82807 of 2019**

Arising Out of PS. Case No.-334 Year-2019 Thana- PHULPARAS District- Madhubani

MD. SHAMIM Son of Md. Hasim Mansuri @ Md. Hasim Resident of  
Village- Baluwa, P.S.- Phulparas, 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.Binod Kumar

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

4      04-06-2020                      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 instituted for the  
offences under Section 376 (2)(1) of the I.P.C. and sections 4  
and 6 of the POCSO Act.

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

It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 20.08.2019 and has got no



criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. The medical examination report does not support the allegations made in the F.I.R. From perusal of the F.I.R., it is evident that petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, the petitioner refused to marry with the victim and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that at best, 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 learned 1<sup>st</sup> Addl. District and Sessions Judge-cum- Special Judge, POCSO Act, Madhubani in connection with Phulparas P.S. Case No. 334 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.

**(Sudhir Singh, J)**

Pankaj/-

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