

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84780 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- MAHILA PS District- Khagaria

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Kusho Kumar Mandal, Male, aged about 20 years, Son of Ashok Mandal
Resident of Village - Panchrasi, P.S.- Beldour, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan, Advocate

For the State : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-03-2020

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

2. The petitioner seeks bail in connection with Khagaria
Mahila PS Case No. 44 of 2019 dated 18.09.2019 instituted under
Sections 376 and 493/34 of the Indian Penal Code and 4 of the
Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner is of developing
physical relationship with the informant on the pretext of marriage
and also of making her pregnant but later on refusing to marry her.



4. Learned counsel for the petitioner submitted that the allegation is false and only to exert pressure on him to marry the informant. Learned counsel submitted that the FIR itself discloses that the relationship was consensual, still this false case has been filed. It was submitted that the contention of the informant that she was pregnant is not borne out from the two medical reports and further that though she has disclosed her age as 15 years before the Court while getting her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, but the medical examination has revealed that she was aged 18-20 years. Learned counsel submitted that the petitioner has no other criminal incident and is in custody since 26.09.2019.

5. Learned APP, from the case diary, could not controvert the fact that the medical report discloses her age to be 18-20 years and no pregnancy has been mentioned.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 1st -cum- Special Judge POCSO Act, Khagaria in Khagaria



Mahila PS Case No. 44 of 2019. One of the bailors shall be a close relative of the petitioner.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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