

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3325 of 2020

Arising Out of PS. Case No.-65 Year-2019 Thana- MAHILA P.S. District- Madhubani

1. SAJAN DEVI W/o Kari Ray @ Ramu Ray R/o village- Bhaptiyahi, P.S.-
Laukahi, District- Madhubani
2. Sanjeev Kumar @ Sanjeev Kumar Ray S/o Late Sifet Ray R/o village-
Bhaptiyahi, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Jha
For the Opposite Party/s	:	Mr.Ashok Kumar
For the informant	:	Mr. Gagandeo Yadav

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2021 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 376, 313/34 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 daughter of the informant on the assurance of the marriage and later denied.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the



petitioners. The petitioners have falsely been implicated in the present case. The petitioner no. 1 is a lady. As per the allegation, the main allegation is against co-accused namely Varun Kumar who is said to have established physical relation with the victim on the pretext of marriage. As far as petitioners are concerned, there is no allegation of establishing such physical relation with the victim. It is further submitted on behalf of the petitioners that the relation between the victim and co-accused was consensual one. The petitioners have 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 and the informant, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, POCSO, Madhubani in connection with Mahila Madhubani P.S. Case No. 65 of 2019, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Sudhir Singh, J)

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