

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27238 of 2021

Arising Out of PS. Case No.-263 Year-2020 Thana- KORHA District- Katihar

ABDHESH KUMAR Son of Bhola Mehta Resident of Village - Kumarpur,
P.S. Bihariganj, District - Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code and u/s 4 of POCSO Act.

As per the prosecution case, the victim was subjected to sexual co-habitation for months on the false pretext of marriage resulting into pregnancy.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. It is submitted that petitioner and victim both are adults and out of love and passion both entered into physical relation. During the medical examination age of the victim was assessed between 18-19 years. There is contradiction between the statement of victim recorded u/s 161 of the Cr. P.C and u/s 164



of the Cr. P. C. Petitioner is in custody since 11.01.2021 and charge sheet has already been submitted.

Learned counsel appearing for the State opposes the prayer for bail and submits that there is direct and specific allegation against this petitioner that he established physical relation with victim on the pretext of marriage resulting into pregnancy. The victim in her statement u/s 164 of the Cr. P. C. supported the case of prosecution.

Considering the facts and circumstances of the case and the nature of accusation against this petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

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