

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.24784 of 2020

Arising Out of PS. Case No.-317 Year-2019 Thana- MAHESI District- East Champaran

Saddam Hussain Son of Shekh Enul Resident of Village - Damodarpur, P.S. -
Mehsi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Adv.

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 20-01-2021 Heard learned counsel for the petitioner and learned

APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mehsi P.S. Case No. 317 of 2019, registered under sections 341, 328, 354B, 376, 504 and 506 of the Indian Penal Code and section 4/6 of the POCSO Act.

As per allegation in the F.I.R., it is stated that the petitioner established physical relations with the informant on the promise that he would marry her, however, subsequently, he refused. There is also allegation of abuse, assault etc.

It is submitted by learned counsel for the petitioner that the allegations as narrated in the F.I.R. are false and incorrect. It is stated that even if the allegations are taken to be true for the sake of argument, no offence under section 376 of the Indian Penal Code would be made out. Further, the



informant was examined by a three member Medical Board who have opined her age to be above 18 years. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the narration in the F.I.R. together with the Medical Board being of the opinion that the informant is over 18 years of age, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Mehshi P.S. Case No. 317 of 2019, he will be enlarged on bail on furnishing bail bond of Rs 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

(Partha Sarthy, J)

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