

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49505 of 2021**

Arising Out of PS. Case No.-495 Year-2020 Thana- PURNEA SADAR District- Purnia

Banti Kumar Son of Hareram Mandal Resident of Village- Kabristan Tola,
Zeromile, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma

For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-11-2021 Heard both parties.

The petitioner seeks bail in Purnia Sadar P.S. Case No. 495 of 2020 corresponding to POCSO Case No. 98 of 2020, registered for the offence punishable under Sections 323, 376, 498A and 406 of the Indian Penal Code and section 3/4 of the POCSO Act.

As per the prosecution case, on the pretext of marriage, petitioner established physical relation with informant. When she pressurized the petitioner, petitioner solemnized marriage with her. However, family members of petitioner was not accepting the said relation and thereafter, panchayati was held in which it was decided and petitioner was directed to pay Rs. One lakh to the informant/complainant, but she refused to take the amount then the accused persons tried to



assault and took thumb impression on the plain paper. Petitioner solemnized second marriage.

It is submitted on behalf of the petitioner that as per the medical report the victim is major girl and there was consensual relationship between the parties. As per the medical report, there is no sign of rape and as such no case under Section 376 IPC is not made out. Moreover, the informant in her statement under Section 164 Cr.P.C has admitted that she has taken Rs. One lakh from the petitioner. Petitioner is in custody since 31.03.2021 having clean antecedent. Chargesheet has already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO Act, Purnea in connection with Purnia Sadar P.S. Case No. 495 of 2020 corresponding to POCSO Case No. 98 of 2020.

(Prabhat Kumar Singh, J)

vinita/-

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