

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8329 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- MAHILA P.S. District- Patna

Md. Naushad Ali S/o Md. Ali Resident of Ishapur Pani Tanki, P.S.- Phulwari Sharif, District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Tiwary, Adv.
For the Opposite Party/s	:	Mr. Shaheen Begum, APP
For the informant	:	Mr. Manoj Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 16-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 420, 313 and 34 of the Indian Penal Code and section 6 of the POCSO Act.

As per allegations in the F.I.R., the informant states that under the pretext of marriage the petitioner established physical relations with her. Thereafter he refused to enter into marriage.

It is submitted by learned counsel for the petitioner that the allegations levelled in the F.I.R. are false and concocted. It is further submitted that the age of the informant has been



estimated to be between 19-20 years and thus no offence under the POCSO Act would be made out. It is further submitted that in a number of cases the Hon'ble Apex Court has held that in the facts and circumstances as in the instant case, no offence under section 376 of the Indian Penal Code would be made out. The petitioner is in custody since 9.9.2020 and has no criminal antecedent. Investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the investigation in the case having concluded and the petitioner having remained in custody for 11 months, the Court directs the petitioner to be enlarged on bail in connection with Special (P) P.S. Case no. 164 of 2020 (arising out of Mahila P.S. Case no. 95 of 2020) 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 Additional District and Sessions - 1st -cum-Special (P) Judge, Patna.

(Partha Sarthy, J)

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