

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13707 of 2021

Arising Out of PS. Case No.-279 Year-2020 Thana- BAISI District- Purnia

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MOHAN KUMAR BOSAK S/O SRI KANHAIYA BOSAK R/O VILLAGE-
ASJA MOBAYIA, BAISI, DISTRICT-PURNIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-01-2022 Heard Mr. Amit Kumar Anand, learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of his arrest in connection with Special (POCSO) Case No. 83 of 2020, arising out of Baisi P.S. Case No. 279 of 2020 dated 12.11.2020 instituted for the offences under Sections 354(B), 509(A), 509(B) and 376 of the Indian Penal Code and Section 3 of the POCSO Act.

The accusation against the petitioner is of having misbehaved with the victim and also of having raped her.



Learned counsel for the petitioner has submitted that he is the son of the aunt of the victim and therefore the accusation is absolutely false. In fact, the petitioner and the victim were carrying on an amorous relationship but when the matter was reported to the elder members of the family, such a case was lodged by the victim for giving herself a protection from the onslaught of the relatives. However, later, the families decided that the petitioner and the victim should get married.

Today, the petitioner is living as man and wife with the victim.

This statement is borne out from the 164 statement given by the victim before the learned Magistrate.

Considering aforesaid background facts, the petitioner is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production



of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Special (POCSO) Case No. 83 of 2020, arising out of Baisi P.S. Case No. 279 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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