

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10147 of 2022

Arising Out of PS. Case No.-49 Year-2021 Thana- MAHILA P.S. District- Madhubani

MADAN MUKHIYA Son of Ram Roop Mukhiya Resident of Village - Kako,
P.S. Bhairavsthan, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Gagandeo Yadav, Advocate Mr.Ravi Prakash, Advocate
For the State	:	Mrs. Pushpa Sinha 1, APP
For the informant	:	Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

Learned Counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 420, 506/34 of the Indian Penal
Code and Sections 4/6 of POCSO Act.

Prosecution case, in short, is that on the pretext of
marriage the petitioner committed rape upon the victim.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. On the pretext of marriage the petitioner is said to have established physical relationship with the victim. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. Later on, for one reason or the other, marriage could not be solemnized. The medical examination report shows that the victim is 20 years old. Hence, offence under the POCSO Act is not attracted in this case. Learned counsel for the petitioner has placed reliance on cases of the Hon'ble Supreme Court since reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**.

On behalf of the State and learned counsel for the informant, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of



the like amount each to the satisfaction of learned Additional District and Sessions Judge VI-cum-Special Judge, POCSO Act, Madhubani in connection with Mahila P.S. case No.49/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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