

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.25448 of 2022**

Arising Out of PS. Case No.-1 Year-2021 Thana- MAHILA PS District- Buxar

ARVIND RAM S/o Budhan Ram R/o village- Chakani, P.S.- Simri, District-  
Buxar ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY  
ORAL ORDER**

2      16-08-2022                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

The petitioner is in judicial custody in connection  
with Buxar Mahila P.S. Case No. 01 of 2021 for the offences  
under Section 376 of the Indian Penal Code and Section 4/6 of  
the POCSO Act.

As per the allegation in the FIR, the petitioner, who is  
20 years old, was in love with the victim girl since one year  
prior to the lodging of the FIR and it has been alleged that on  
the promise of marriage, he had physical relationship with her.  
As he refused to marry her, the present FIR was lodged.

As per the FIR, it has been alleged that the victim girl  
was minor. A medical Board was constituted and the victim girl  
was examined on 10.01.2021 and the doctors have opined her



age to be between 18-19 years.

Learned counsel for the petitioner submits that since they were in love and with consent there was physical relationship, the only thing that goes against him is that of the allegation of she being a minor. He as such submits that in the backdrop of that allegation, the opinion of the Medical Board becomes important where she has been opined to be 18-19 years of age on 10.01.2021. He lastly submits that he is in custody since 10.01.2021 (as stated in paragraph-11 of the bail application) and has no criminal antecedent. He is ready to abide by all the terms and conditions imposed by the Court if he is released on bail.

Learned APP for the State submits that considering the gravity of allegation and since the allegation is of physical relationship with the minor, the petitioner does not deserve bail.

Taking into account the fact that after lodging of the FIR, the Medical Board was constituted and the victim girl was medically examined, the opinion of the doctors is that the victim girl is 18-19 years and in the backdrop of that opinion, as also that the petitioner is in custody since 10.01.2021, he is only 20 years age and has a chance to reform himself, charge sheet stands submitted, this Court is inclined to grant him the



privilege of bail subject to certain conditions :-

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of ADJ-VI cum Spl. Judge, POCSO Court, Buxar in connection with Buxar (Mahila) P.S. Case No. 01/2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

Jagdish/-

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