

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38349 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- MAHILA P.S. District- Lakhisarai

Md Manauwar @ Monu @ Md Manaur Son of Late Sahud Rizwan R/O
Village - Tetarhat, P.S. - Tetarhat, District - Lakhisarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Kanhaiya Pd.Singh, Senior Advocate and Mr.Md. Irshad, Advocate
For the Opposite Party	:	Mrs.Sucheta Yadav, Addl Public Prosecutor
For the informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 25-02-2022 Heard learned counsel for the petitioner, the State, the informant and perused the case diary.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under sections 420/376 and other ancillary sections of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act, 2012

As per the prosecution case, informant/victim was repeatedly subjected to sexual intercourse by the petitioner on the false promise of marriage.

While denying the allegations made against the petitioner. learned counsel appearing for the petitioner submits that as a matter of fact, petitioner and informant were in



relation with each other for quite some time. It was consensual physical relation between them and this petitioner has not made any promise to seduce the prosecutrix to enter into any sexual relationship. Doctor has also assessed age of the informant to be more than 18 years and being major she was quite aware of the consequences of such relationship. Lastly, by filing supplementary affidavit, it is submitted that the petitioner is ready to marry and keep the victim with him with honour and safety. Petitioner has claimed clean antecedent and he is in custody since 25.11.2020. Doctor has not found sign of rape on the victim. Investigation is complete.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that there is direct and specific allegation against the petitioner that he committed sexual intercourse with the victim for three months and when the victim told him to marry, he denied.

Considering the facts and circumstances of the case and the fact that the age of the victim/informant has been assessed by the doctor to be more than 18 years, doctor has not found sign of rape on the victim, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/- with two



sureties of the like amount each to the satisfaction of the
Additional Sessions Judge VI, Lakhisarai in Mahila Police
Station Case No. 34 of 2020.

(Prabhat Kumar Singh, J)

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