

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40352 of 2021**

Arising Out of PS. Case No.-64 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

BHUSHAN @ BHUSHAN KUMAR S/o Jaglal Ram R/o Village- Mushahari
(Radhanagar), P.S.- Mushahari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 08-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 04.12.2020, seeks
regular bail in connection with Mahila P.S. Case No. 64 of 2020
registered for offences punishable under Sections 341, 342,
366(A), 376(AB) of the Indian Penal Code and Section 3/6 of
the POCSO Act.

Learned counsel appearing on behalf of the petitioner
submits that this case is very peculiar in nature as both boy and
girl are of tender age and they were in love affair. The age of the
victim girl as opined by the Medical Board is around 17 to 18
years and the boy is also aged about 20 years. In this regard, he



has made a specific statement in paragraph no. 5 that the victim girl had pressurized the petitioner for early marriage to which he had refused. The girl was medically examined and the doctor has not found any sign of rape.

Considering the aforesaid fact, the Court below is directed to take statement of the victim girl as well as the petitioner and their parents and all the necessary witnesses and without being prejudiced with its earlier order dated 24.03.2021, shall pass a fresh order on the basis of material available on record and the statement recorded of all the evidence on record before him pass a fresh order.

Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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