

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51093 of 2021

Arising Out of PS. Case No.-256 Year-2020 Thana- BHAWANIPUR District- Purnia

=====

ASHISH KUMAR RANA Son of Rakesh Mandal @ Rakesh Kumar Mandal
Resident of Village - Supauli Diyara, P.S.- Bhawanipur, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare,APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Section 376 of the Indian Penal Code and
sections 4/6 of POCSO Act.

The prosecution allegation, in short, is that the
petitioner established physical relation with the informant on the
pretext of the marriage and later denied.

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. The petitioner is alleged to have established physical relationship with the informant on the assurance of marriage. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. As per the F.I.R., the informant is 18 years old. Hence, the POCSO Act is not attracted in the present case. The date of occurrence is 15.12.2020 for which case was instituted on 20.12.2020. The delay has not been explained by the prosecution. Learned counsel 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 Maharastra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge -7th -cum- Special Court, POCSO, Purnea in connection with Bhawanipur P.S. Case No. 256 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

