

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51628 of 2022

Arising Out of PS. Case No.-30 Year-2020 Thana- ANTICHAK District- Bhagalpur

Md. Imroj, Male, aged about 24 years, Son of Tajmul, Resident of Village - Oriup, P.S.- Antichak (Kahalgaon), District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate
For the Opposite Party : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

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 seeks bail in connection with POCSO Case No. 149/2022, arising out of Kahalgaon (Antichak) P.S. Case No. 30/2020 registered for the offence under Sections 496 and 506 of the I.P.C. but charge sheet has been submitted under Sections 376, 420, 506 of the I.P.C. and cognizance was taken under Sections 496, 506 and 376 of the I.P.C. and during the course of trial, POCSO Act was also added.

The prosecution case, in brief, is that on pretext of marriage, the petitioner established physical relationship with



the victim for last 6-7 months.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.10.2021. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The victim in her statement recorded under Section 164 Cr.P.C. has stated that on the pretext of marriage, physical relationship was established in between the petitioner and the victim. The said physical relationship was consensus relationship. Hence, no offence under Section 376 of the I.P.C. is attracted in the present case. Learned counsel for the petitioner has further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sonar-Versus-The State of Maharashtra and Ors); reported in 2019 SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand) reported in 2020 SCC OnLine SC 779.

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

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on 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 Exclusive Special Judge (POCSO)-cum-7th Additional Sessions Judge, Bhagalpur, in connection with POCSO Case No. 149/2022, arising out of Kahalgaon (Antichak) P.S. Case No. 30/2020.

(Sudhir Singh, J)

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