

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44213 of 2022

Arising Out of PS. Case No.-07 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

Md. Salman Son Of Late Md. Riyasat Resident Of Village- Dogachhi, P.S.-
Jagdishpur (by Pass), District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Diwakar Upadhyaya
For the Petitioner	:	Ms. Preety Kunwar
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Jagdishpur P.S. Case No. 07 of 2022 registered under Section 376 of the Indian Penal Code and Section 4/6 of POCSO Act.

Allegation against the petitioner is of committing rape upon the informant on the pretext of solemnization of marriage, to which later on the petitioner denied.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. A statement has been made in Para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted



that the victim established physical relationship with the petitioner on the pretext of solemnization of marriage with her own consent, but after denial of marriage by the petitioner, she falsely implicated the petitioner in this present case. As per the medical report, doctor has assessed the age of victim is about 17-19 years. The petitioner is in judicial custody since 06.01.2021.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Jagdishpur P.S. Case No. 07 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VI cum Special Judge POCSO Court Bhagalpur, or successor Court.

(Sunil Kumar Panwar, J)

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