

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51257 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA PS District- Gaya

Pravindu Kumar Son of Dinesh Manjhi R/O-Chakand Meera Bigha, P.S.-
chakand, Distt.-gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kr. Sinha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 14.02.2023, in connection with Mahila P.S. Case No. 14 of 2023, F.I.R. dated 13.02.2023 registered for the offences punishable under Sections 323, 376, 376(3) and 34 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

3. The prosecution case, in brief, is that the informant aged about 15 years says in his fardbeyan that she knows the petitioner since one year and reached the house of the petitioner and lived with him and made physical relation with the petitioner and when she asked about the marriage then the mother of the petitioner refused and abused her.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and it appears that the age of the victim as per date of birth certificate is 15.07.2009 and at the time of occurrence the victim was minor and she was only aged about 15 years old and it also appears that the petitioner has made physical relation with the victim and the statement of the victim was recorded under Section 164 of the Cr. P.C. in which she has categorically stated that she wants to marry with the petitioner and the victim had suo motu gone to the place of the petitioner.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail and submits that the victim was minor and there is no consent in the eye of law and it is admitted fact that the petitioner made physical relation with the victim and it has come during investigation that the petitioner has established physical relation with the victim and it has also come during investigation that the petitioner has performed the marriage with the victim at Aligarh but the petitioner has not stated anything in his bail petition about the marriage with the victim.

6. Considering the aforesaid facts that there is direct and specific allegation against the petitioner that he has



infringed the victim and made physical relation with her and the victim was minor at the time of occurrence, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S. Case No. 14 of 2023 pending in the Court of Special Judge POCSO cum Additional District & Sessions Judge-VI, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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