

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54078 of 2023**

Arising Out of PS. Case No.-267 Year-2023 Thana- MOTIHARI MUFASIL District- East  
Champaran

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ASHUTOSH KUMAR S/o JITENDRA PRASAD KUSHWAHA @  
JITENDRA SINGH Resident of village - Jhitkahiya, P.S. - Muffasil, Distt. -  
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shyam Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

2      01-09-2023                      Heard learned counsel for the petitioner as well as  
learned APP for the State.

2. The petitioner apprehends his arrest in connection  
with Muffasil P.S. Case No. 267 of 2023, registered for the  
offences punishable under Sections 376 of the Indian Penal  
Code and Sections 4 and 6 of the POCSO Act.

3. As per allegation, there was love and affection  
between the petitioner and the informant, namely, Sita Kumari.  
On the pretext of marriage, the petitioner made physical  
relation with her and when she became pregnant, the petitioner  
refused to marry her.

4. The learned counsel for the petitioner has



submitted that the impugned order shows itself that the victim is aged about 18-19 years. There is no allegation of rape in the FIR itself. Moreover, both the parties have compromised.

5. Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6<sup>th</sup> Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Muffasil P.S. Case No. 267 of 2023, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Nawneet Kumar Pandey, J)**

Kundan/Nirmal

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