

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63308 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHILA PS District- East Champaran

Akash Kumar S/O Narendra Sahani Resident Of Village- Lakhaura, P.S.-
Lakhaura, District- East Champaran, At Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri

For the Opposite Party/s : Mr.Jagdhari Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 08-08-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 376, 493 of the Indian Penal Code, Sections 4, 6 of the POCSO Act and Sections 67(A), 67(B) of the I.T. Act.

It is alleged by the informant that on a false promise to marry, the petitioner established sexual relationship with the minor daughter of the informant and continued the same for two years. The petitioner also made nude and obscene picture and vide of the



victim and sent the video/photos to the relatives of the informant.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. As per F.I.R, the informant herself admitted love affairs between the petitioner and her daughter. Hence, it might be a case of consensual relationship between the petitioner and the victim. For the alleged occurrence of 07.07.2022, the F.I.R was registered on 10.07.2022 without explaining the delay. The medical report of the victim suggests her age as 20 years and no sign of recent sexual assault has been found by the doctor during her examination. The victim in her 164 Cr.P.C statement has also stated that petitioner and the victim were in love with each other and out of their own volition and desire, they established physical relationship. The petitioner is languishing in custody since 04.08.2022. A statement has been made in para 3 of the petition that petitioner has no criminal



antecedent.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, Motihari, East Champaran in connection with Mahila P.S. Case No. 44 of 2022.

(Sunil Kumar Panwar, J)

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