

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63015 of 2023**

Arising Out of PS. Case No.-58 Year-2020 Thana- MAHILA P.S. District- Araria

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Kumod Kumar @ Kumod Bahardar @ Kumod Mukhiya @ Kumod Kumar
Bahardar Son Of Rudhan Mukhiya @ Ruman Mukhiya @ Rudal Mukhiya
Village Anchara, Ward No. 8, P.S. Fulkaha, District Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Usha Rai

For the Opposite Party/s : Mrs.Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 09-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 376 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioner is that he established physical relationship with the victim on the pretext of solemnization of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is delay of about 10 days in lodging the FIR from the date of occurrence. It is further submitted that as per medical report of the victim, her age is



about 18 to 19 years hence Section 4 of the POCSO Act is not made out in this case. There is love affairs between the victim and the petitioner since long which seems that consensual relationship has been established between both of them. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 20.04.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Araria (Mahila) P.S. Case No. 58 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Spl. POCSO Judge, Araria.

(Sunil Kumar Panwar, J)

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