

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6765 of 2024

Arising Out of PS. Case No.-29 Year-2023 Thana- KHIRI MORE District- Patna

Rahul Kumar, Son of Sidhnath Mochi, Resident of Village and Post-Siddhipur, P.S. - Khiri More, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Piyush Saurav, Advocate Mr. Chandan Priyadarshi, Advocate Mr. Abhishek Mishra, Advocate
For the Opposite Party/s :		Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Khiri More P.S. Case No. 29 of 2023 registered for the alleged offences under Sections 363, 366(A), 376, 323, 504, 506 of the Indian Penal Code and Section 4/8 of POCSO Act.

3. As per prosecution case, the minor informant was induced by the petitioner in establishing sexual relationship on allurement of marriage. Though the petitioner established physical relationship with the informant, but he did not marry her despite his repeated assurances.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. The informant girl is not minor as the learned Special Judge, POCSO court has assessed her age to be eighteen years, six months and two days on the date of occurrence. The petitioner and the informant are next door neighbours and the petitioner is married and is having three daughters aged about 8 years, 7 years and 3 years, respectively. From the FIR, it is apparent that the informant was a major girl and she entered into consensual relationship with the petitioner knowing his marital status as well as the fact about the petitioner having children of different ages. The learned counsel further submits that the informant has also got married on 20.05.2023. Under the circumstances, no offence under Sections 366A, 376 IPC and Section 4/8 of POCSO Act is made out against the petitioner. Other offences mentioned in the FIR are bailable in nature. The learned counsel further submits that the petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the consensual nature of act of the informant, let the petitioner, above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna, in connection with Khiri More P.S. Case No. 29 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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