

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31742 of 2024

Arising Out of PS. Case No.-355 Year-2023 Thana- BARHARA KOTHI District- Purnia

Md. Rahmat Son Of Md. Ishrafil Resident Of Village- Sahsol, Ps- Barhara
Kothi, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadashiv Tiwari

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 20-09-2024 1. Heard learned counsel for the petitioner, learned APP for the State and the learned counsel appearing on behalf of the informant.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code. And Section 4 and 6 of the POCSO Act.
3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is in custody since 11.03.2024 and the informant alleges that petitioner for the last three months had been establishing physical relation on the pretext of marriage, further the petitioner on 09.10.2023 at about 8 pm, called the informant in the bamboo clump and was establishing physical relation, when her brother came and saw them in an objectionable condition and started raising alarm,



hence parents also reached the bamboo clump and the petitioner fled, it is further alleged that the parents of the informant approached the parents of the petitioner, but then the petitioner refused to marry the informant. The learned counsel submits that from perusal of the allegation as alleged in the FIR, it would manifest that it is not a case of rape rather petitioner and the informant were in love and being consenting adults had come together and had established physical relation. It is also submitted that the allegation itself reflects that on call of the petitioner, the informant on her own without any force went to the bamboo clump, where they were establishing physical relations, when the brother of the informant came and started raising alarm which amply demonstrates that the relationship was purely consensual. It is further submitted that the petitioner is in custody and he will not abscond rather will cooperate in the trial to prove his innocence.

4. The learned APP and the learned counsel appearing on behalf of the informant opposed the bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000 /- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of the learned Special Court (POCSO), at Purnea in connection with .Kothi P.S. Case No. 355 of 2023.

6. One of the bailor of the petitioner shall be his brother Md. Mairaj. It is made clear that if the learned trial court comes to a conclusion that petitioner after his release is trying to delay the trial in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

7. The application stands allowed.

(Satyavrat Verma, J.)

Sudhanshu/-

U		T	
---	--	---	--

