

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35102 of 2024**

Arising Out of PS. Case No.-97 Year-2023 Thana- MAHILA P.S. District- Lakhisarai

Pintu Kumar, S/o Musharu Sao @ Mushaharu Saw @ Musahru Saw, R/o -  
Piri bazar, P.S.- Piri Bazar, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Meena Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      26-07-2024                      Heard learned Advocate for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Lakhisarai (Mahila) P.S. Case No. 97 of 2023, registered for the offences punishable under Sections 376, 341, 506/34 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act (hereinafter referred to as 'the POCSO Act').

3. The prosecution alleges that on the pretext of love affair, the petitioner established physical relationship with the minor victim girl by administering some drugs and also threatened to kill her and her family members, if she should reveal the incident to anybody. It is also alleged that on 03.10.2023, at about 3.00 A.M. when the victim went to



bathroom from her house, the petitioner took her in his bed room and tried to commit rape.

4. Learned Advocate for the petitioner contended that the narratives made in the F.I.R. clearly suggest that on 03.10.2023, this petitioner tried to commit rape upon the granddaughter of the informant, but the present F.I.R. has been instituted on 06.10.2023. It is next contended that in fact the victim had been in love affair with the petitioner and there was a good relationship. Moreover, there is no material on record that the pregnancy of the victim was on account of such relationship. It is next contended that though the victim was examined by the Doctor, but her age has not been confirmed as minor. The fact is that the victim was a major and there was a consensual relationship, but only when the family members came to know about this relationship, they compelled the victim to give a false statement against the petitioner. The petitioner is a man of fair antecedent and is in custody since 11.11.2023. The prosecution, *prima facie*, has failed to discharge its initial burden that the victim was a minor and she was forced to intercourse, hence Section 29 and 30 of the POCSO Act, would have no application.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has categorically stated that she was subjected to sexual intercourse by the petitioner. It has also come that the petitioner had made some obscene videos of the victim and on the basis of that the victim was subjected to blackmail and sexual exploitation. During the medical examination, the victim was found pregnant, thus there are cogent material suggesting involvement of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Cr.P.C., corroborated with the medical report, which confirm the victim to be a minor; carrying pregnancy this Court is not persuaded to enlarge the petitioner on bail.

7. Accordingly, the prayer for grant of bail to the petitioner stands rejected.

**(Harish Kumar, J)**

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