

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45395 of 2024**

Arising Out of PS. Case No.-10 Year-2024 Thana- MAHILA P.S. District- Araria

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NARESH KUMAR BISHWAS @ NARESH RAJ SON OF
SATYANARAYAN BISWAS @ SATYNARYAN DAS VILLAGE- CHAKAI
TOLA, WARD NO. 7, P.S.- JOKIHAT, DISTT.- ARARIA (BIHAR)

... .. Petitioner/s

Versus

- 1. THE STATE OF BIHAR
- 2. XXX D/O RAMESH CHOUDHARY VILLAGE- CHAKAI TOLA, WARD
NO. 7, P.S.- JOKIHAT, DISTT.- ARARIA (BIHAR)

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Arvind Kumar, Advocate
For the State	:	Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-09-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 376, 417, 313, 506 and 504 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. As per prosecution case, this petitioner was having physical relations with the victim since 4 years, during which period she also got pregnant and later had to undergo abortion.

4. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. it is apparent that both parties were major at the time of relationship



and enjoyed each other's company for four years and indulged in sexual act being fully aware of the consequences of the relationship, as such, the same cannot be said to be induced or involuntary. The learned trial court has also assessed the age of the victim as 18 years. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI-cum-Special Judge (POCSO), Araria, in connection with Mahila P.S. Case No. 10 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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