

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67746 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- KONCH District- Gaya

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Dharmendra Kumar Son of Yadu Ravidas @ Jatu Ravidas Resident of
Village- Keturi, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dulari Devi, Wife of Late Tetar Das, R/O Vill.- Ahiyapur Gnagati, P.S.-
Konch, Dist.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Mahboob Ashraf, Advocate
For the State	:	Mrs. Indu Kumari Srivastava, APP
For the Informant	:	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioner seeks bail in
connection with Konch P.S. Case No. 158 of 2024, registered on
02.04.2024 for the offences under Section 376 of the Indian
Penal Code and Section 6 of the POCSO Act.

3. As per prosecution case, informant gave a written
report about petitioner found in compromising position with her
minor daughter near a canal and she further alleged that giving
inducement of marriage, the petitioner entered into sexual
relationship with her daughter.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The victim girl is not minor and her medical examination was conducted and her age was assessed to be 19 years. Further no evidence of recent sexual intercourse was found. Learned counsel further submits that the statement of the victim was recorded under Sections 161 and 164 of Cr.P.C. and from the statements, it is apparent that it was a consensual act of the victim and the present case has been lodged when the brother of the victim and other boys of the village have seen the victim and petitioner in compromising position. Learned counsel further submits that version of the victim girl is different in her statement recorded under Sections 161 and 164 of Cr.P.C. and this shows falsity of allegation. The brother of the victim has been putting pressure upon the petitioner to solemnize marriage with victim girl and when he refused, the present case has been lodged. The petitioner has got no criminal antecedent. The petitioner is in custody since 03.04.2024.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the victim girl is aged about 17 years and



the petitioner gave inducement of marriage and thereby established physical relationship with the daughter of the informant.

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 daughter of the informant and also considering the clean antecedent of the petitioner as well as his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge POCSO-cum-Additional Sessions Judge-VII, Gaya/concerned court in connection with Konch P.S. Case No. 158 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other 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.

(iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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