

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72121 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- MAHILA P.S. District- Araria

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Rustam Son Of Eijub Resident Of Village - Jhirua Ward No.10, P.S. -
Simraha, District - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for regular bail has been
filed by the petitioner registered for the offence punishable
under Sections 376, 341, 323, 504, 506 of the Indian Penal Code
and Section 4 of the POCSO Act.

3. As per allegation in the FIR, victim girl/informant,
aged about 17 years, went to a field for cutting the grass, in the
meantime, petitioner caught her and on knife point committed
rape. Thereafter, on the pretext of marriage, he used to establish
physical relationship with her on regular basis resulting into her
pregnancy. A panchayati was also held to settle the dispute
where accused persons including the petitioner abused and
assaulted the informant and her mother.



4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Informant is major and she got married with another person. Allegedly, petitioner was in physical relationship with the victim for last two years but she had never raised voice against him, which shows that there was consensual relationship between the parties. Petitioner has got no criminal antecedent and languishing in judicial custody since 11.4.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge (POCSO) Araria in connection with Mahila PS Case No. 21 of 2022.

(Sunil Kumar Panwar, J)

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