

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78466 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- MAHILA PS District- Jehanabad

Saurav Kumar @ Shaurav Kumar Son Of Vijay Sharmar Village- Gandhar Ps-
Ghosi Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376 and 34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. Allegation against the petitioner is that he established physical relationship with the informant on the pretext of solemnization of marriage. When she told to marry with her then he denied the same.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From para-7 of this petition, it is mentioned that petitioner went to maikhe of his aunt in Shradh ceremony where the mother of the victim and victim



have seen the petitioner and themselves decided to solemnize marriage of the victim with the petitioner. The parents of the victim went at the house of the petitioner to meet his parents for negotiation of marriage but the parents of the petitioner denied for the marriage because petitioner is a student and studying at Madhya Pradesh. It is further submitted from para-9 of this petition that according to FIR, the alleged occurrence was occurred in the year 2019 while the present FIR has been lodged on 03.12.2022 without any reasonable explanation of delay which creates serious doubt of the authenticity of this case. During investigation, police extracted the CDR of the petitioner and the victim, but no talk was found between them which also falsifies the prosecution story. The victim is major as per deposition. Moreover, the petitioner is languishing in judicial custody since 10.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jehanabad Mahila P.S. Case



No. 43 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Jehanabad.

(Sunil Kumar Panwar, J)

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