

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83668 of 2023

Arising Out of PS. Case No.-844 Year-2023 Thana- AHİYAPUR District- Muzaffarpur

DHARMENDRA KUMAR SON OF KALESHWAR SAHNI @ KALESHAR
SAHNI R/O VILLAGE- AKABARPUR, P.S.- BOCHAHA, POST OFFICE-
MIRZAPUR, DIST.- MUZAFFARPUR, BIHAR, PRESENTLY RESIDENT
OF CHUTRI PUNAS, P.S.- AHİYAPUR, DIST.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shashi Priya, Advocate

For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ahiyapur P.S. Case no.844 of 2023 registered under section 376 of the Indian Penal Code, sections 4 and 6 of the POCSO Act and sections 3(2)(v) of the SC and ST Act.

3. As per the prosecution case, the informant states that the petitioner, on the pretext of marriage, established physical relations with her. Subsequently on the informant asking him to marry, he refused.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From the contents of the F.I.R. itself, it would transpire that there was love affair between the parties and the relationship, if any, was consensual in nature. The petitioner is in custody since 5.9.2023



and chargesheet has been submitted in the case. He has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State, however, it is submitted that as per the report of the five member Medical Board headed by the Civil Surgeon-cum-Chief Medical Officer, Muzaffarpur, who was the Chairman of the Board, the age of the informant/victim has been estimated to be between 21-22 years.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the submissions made on behalf of the petitioner, the contents of the report of the Medical Board according to which the age of the informant is between 21-22 years, the petitioner not having any criminal antecedent and chargesheet having been submitted in the case, the Court directs the petitioner to be enlarged on bail in connection with Ahiyapur P.S. Case no.844 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge VI-cum-Special Judge (POCSO), Muzaffarpur.

(Partha Sarthy, J)

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