

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.543 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- KHODAWANDPUR District- Begusarai

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DEEPAK KUMAR S/O TETAR SAHANI R/O VILLAGE- SHEKHATOLA,
P.S- KHODAWANTPUR (CHHAURAH O.P.), DISTT.- BEGUSARAI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif , APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 30-04-2024 Heard learned counsel for the petitioner and the

State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 341 , 323 , 376, 328 and of the Indian Penal Code and section 4 POCSO Act and 3/ 4 of the D. P Act.

3. As per the prosecution case, this petitioner physically exploited the informant on the false promise of marriage .

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case . At the time , when relationship was established between them the informant was major aged about 19 years. Both of them enjoyed each



other's company and indulged in sexual act for about two years and as such, the same cannot be said to be involuntarily. If the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I . P . C .

5. Learned counsel for the informant opposes the bail petition of the petitioner and submits that the petitioner is named in the F.I.R., and there is specific allegation against him is that he committed consensual sex with the informant on the false promise of marriage. Victim in her statement recorded under section 164 Cr. P C has supported the prosecution case .

6. Considering the aforesaid facts and also the fact that both the parties were major when the relationship developed between them and which continued for the period of two years and the same cannot be a ground to institution of case under section 376 of the Indian Penal Code , in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, 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 the learned Exclusive Special Judge (POCSO Act)-cum- 6th Addl. Sessions Judge , Begusarai, District- Begusarai in connection with Khodawanpur (Chhaurahi) P.S. case No. 244 of 2023 , subject to the



conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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