

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5598 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- BAISI District- Purnia

Saidul son of Raful @ Md. Raful Alam Village- Bairiya Ps- Baisi Dist-
Purnea Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand , Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 04-07-2024 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for
the offence punishable under sections 376, 323 , 504, 506 and
34 of the Indian Penal Code and section 4/6 POCSO 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 both the parties, the
informant was major. Both the informant and this petitioner
enjoyed each other's company and indulged in sexual activity
for few months and as such, the same cannot be said to be
involuntarily or under misconception . 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 . Petitioners claim clean antecedent.

5 Learned counsel for the State opposes the bail petition of the petitioner.

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 7th Additional Sessions Judge -cum Special Judge (POCSO) Purnea in connection with Baisi P.S. case No. 47 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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