

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3142 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- SIKTI District- Araria

Jaffarul @ Md. Jafrool, S/o Israil, R/o village - Barudah, Aamgacchi, Ward
No. 2, P.S. - Sikti, District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nisha Khatoon, D/o Md. Jabul Sah, R/o village - Barudah, Aamgacchi, Ward
No. 2, P.S. - Sikti, District- Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
For the State	:	Mrs. Nirmala Kumari, A.P.P.
For the O.P.No.2	:	Mr. Anamul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Sikti P.S. Case No. 19 of 2024, registered for the alleged offences under Section 376 of the Indian Penal Code and Section 4 of POCSO Act.

3. As per prosecution case, the petitioner, giving inducement of marriage, established physical relationship with the minor informant. Later on, the petitioner refused to marry the informant and threatened the informant and her family members.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that the present case has been lodged only to pressurize the petitioner in solemnizing marriage with the informant. The informant is major and her age was assessed as 18-20 years by the medical board and this fact has been mentioned in paragraph 68 of the case diary. The learned counsel further submits that as the informant is major, no offence under Section 4 of POCSO Act is made out. Moreover, from the facts of the case, it appears to be a consensual relationship between two adults. This fact also appears from the statement of victim girl recorded under Section 161 Cr.P.C. The learned counsel further submits that the statement of the victim girl was also recorded under Section 164 Cr.P.C. and she gave a different statement and stated that the petitioner forcibly took her to Nepal where he raped her repeatedly. The learned counsel further submits that if the victim girl was taken to Nepal and the petitioner repeatedly raped her, but she did not raise any alarm that is very surprising. The learned counsel further submits that the informant was medically examined and no sign of fresh sexual assault or any external or internal injury was found upon the informant. The learned counsel further submits that the petitioner is aged about 21 years and is in custody since



23.11.2024 and charge sheet has been submitted. The petitioner is having criminal antecedent of one case under Section 30 (a) of Bihar Prohibition and Excise Act, 2016 in which he is on bail.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner that after giving inducement of marriage, he established physical relationship with the minor informant and later on refused to marry her. The learned counsel further submits that the petitioner repeatedly raped her making the informant pregnant and also caused termination her pregnancy of one and half months. The informant is minor and relevant documents could be produced in this regard. The learned counsel further submits that the trial is at the stage of evidence of the prosecution.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the medically assessed age of the informant and further considering the unbelievable nature of allegation in not raising any alarm though the claim is of repeated rape and further considering the age of the petitioner, the submission of charge sheet and the period of custody of the petitioner, he is directed to be released



on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-VI-cum-Special Judge (POCSO), Araria, in connection with Sikti P.S. Case No. 19 of 2024, subject to the conditions mentioned in Section Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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