

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72559 of 2024

Arising Out of PS. Case No.-322 Year-2023 Thana- CHHATAPUR District- Supaul

Md. Mahboob S/o Md. Ishaque @ Md. Ishak R/o Village- Lalpur, Nanhi Tola,
Ward No.15, P.S.- Chhatapur, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ruksar Khatoon D/o Md. Majid R/o Village- Indarpur Ward No.12, P.S.-
Chhatapur, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kanchan Jha, Advocate
For the Informant/s	:	Ms. Patla Kumari, Advocate
		Mr. Akhouri Vipin Bihari Shrivastava, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 05-02-2025 Heard learned counsel for the petitioner; learned counsel
for the informant and Mr. Anil Kumar, learned APP for the
State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 323, 341,
376, 379, 504, 506 of the Indian Penal Code and Sections 4,
6/17 of POCSO Act.

3. The case of the prosecution is that when the informant
used to go for harvesting, the petitioner started talking with her.
One day he committed rape with her. When the informant
started weeping, she was threatened and was promised to marry.
It is further alleged that on the said promise, the petitioner



established physical relationship many times and whenever the informant asked for marriage, he denied.

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. He has got no criminal antecedent. It is also submitted that the petitioner is still ready to marry the informant. From perusal of the FIR, it is clear that the informant was major and they were talking terms due to which they had physical relation. It is also clear that despite being sexually assaulted many times, she has not reported it to anybody which shows the consent of the informant. Moreover, it is a case of sexual intercourse on promise of marriage. It is further submitted that the petitioner is languishing in judicial custody since 25.06.2024.

5. Learned APP appearing for the state and learned counsel for the informant have opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chhatapur, Supaul P.S. Case No. 322 of 2023 on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI-cum Special Judge-POCSO Court, Supaul.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

