

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51680 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -MAHILA THANA District- BEGUSARAI

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Sudhanshu Kumar Shekhar @ Bittu Singh, son of Balmiki Singh, resident of Village- Lakho, Panchpan Tola Ward No 14, P.S.- Lakho, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. P.K. Shahi, Sr. Advocate and Mr. Satyam Shivam Sundaram, Advocate.

For the Opposite Party : Mr. Sri Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 08-12-2016 A supplementary affidavit has been filed on behalf of learned counsel for the petitioner. The same may be kept on the record.

In light of the supplementary affidavit, learned counsel for the petitioner is permitted to make necessary corrections in paragraph no. 3 of the petition, in course of the day.

Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Begusarai Sadar Mahila P.S. Case No. 28 of 2016 for the offences instituted under Sections 376, 420 of the IPC and 8 of the POCSO Act.



The prosecution story, in brief, is that the petitioner established physical relationship with the informant on the pretext of marriage. Later on, the petitioner refused to marry with the informant and performed marriage with another girl, namely, Anjali at Barauni.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. Two days prior to institution of the present case, on 19.07.2016 a case was instituted by the mother of the informant making an allegation against the petitioner and his family members that the marriage of her daughter was settled with the petitioner and subsequently later on they have denied to get the said marriage solemnized. The police investigated the case and has submitted final form against the petitioner and other family members in the said case which is Annexure-3 to the present application. Subsequently, on 21.07.2016, the present case was instituted by the informant, namely, Lalita Kumari, making an allegation that she had developed physical relationship with the petitioner on assurance of marriage and subsequently the petitioner has got marriage with some other girl. It is further submitted that it is a malafide prosecution brought against the petitioner.



On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Begusarai Sadar Mahila P.S. Case No. 28/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. Ist Special Judge(POCSO) Act, Begusarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

