

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29153 of 2016

Arising Out of PS.Case No. -10 Year- 2016 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

Manish Kumar, Son of Shambhu Mahto, resident of Village : East Kargahiya, P.S. Bettiah (Muffasil), District - West Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Shrivastava, Advocate.
For the Opposite Party : Mr. Sri Mujtabaul Haque, A.P.P.
For the Informant : Mr. Bimlesh Kumar Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 16-09-2016 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 04.02.2016 in connection with Bettiah (Muffasil) P.S. Case No. 10 of 2016 for the offences instituted under Section 376 of the IPC. Later on, Section 4 of POCSO Act was also added.

The prosecution story, in brief, is that while the informant was alone in her house, the petitioner entered in her house and forcibly committed rape upon her on the point of knife. When the informant become pregnant, the petitioner gave assurance to marry with her but later on he refused to marry with her.

A supplementary affidavit has been filed on behalf of learned counsel for the petitioner. The same may be kept on the record. From perusal of Annexures-3 and 4, it is evident that the petitioner and the victim both are major.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.02.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner.

A joint prayer has been made on behalf of the parties that the petitioner is ready to marry the victim and keep the victim as his wife and his newly born child with all dignity and with due respect.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on provisional bail for a period of three months from the date of receipt/production of copy of this order on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-1st-cum- Special Judge, West Champaran at Bettiah in connection with Bettiah (Muffasil) P.S. Case No. 10 of 2016.

Within the aforesaid period, both the parties shall appear before the court below and produce the marriage certificate to the

effect that the marriage has been performed in between the petitioner and the informant. The court below being satisfied that the petitioner has married the victim and he is keeping her as his wife and his child with all dignity and respect, the court below shall confirm the provisional bail granted to the petitioner.

The parties will be at liberty to file a petition in respect to compromise in between them which shall be considered by the court below.

With the aforesaid directions and observations, the present application is disposed of.

U.K./-

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

(Sudhir Singh, J)