

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.394 of 2017

Arising Out of PS.Case No. -306 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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1. Vishal Kumar Son of Deep Narayan Sah Resident of Mohalla Beta Hospital Road, Near at Ravi Rest House, P.S.- Laheriya Sarai,(Beta O.P.), District- Darbhanga.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gagan Deo Yadav, Adv.

For the Respondent/s : Smt. Usha Kumari No. . Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

6 20-06-2017 The appellant seeks regular bail in connection with Phulparas P.S. Case No. 306 of 2016, registered for offences punishable under Sections 363 and 366(A) of Indian Penal Code and under SEcation 3(i)(xii) of SC/ST Act and Section 4/6 of POCSO Act.

Allegation as per F.I.R against the appellant is that on the assurance of marriage, he made physical relationship with the informant.

It has been submitted on behalf of the appellant that F.I.R. itself shows that there was love affair between the girl and the appellant and in spite of the objection raised by the guardian of the girl, she used to meet the appellant and continued her relationship with the appellant. It has further been submitted that



now the girl has got married with some other person and living with him in Delhi. It has also been submitted that in the medical examination age of the girl was determined as eighteen years. Appellant has been languishing in judicial custody for last ten months.

Learned Special P.P. and learned counsel for the informant opposed the prayer for bail.

Considering the aforementioned facts and circumstances, the period of custody and also that on medical examination, age of the girl was assessed as eighteen years and further the appellant has remained in custody for ten months, as such, this appeal is allowed, let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. –Ist cum Special Judge, Madhubani, in connection with Phulparas P.S. Case No. 306 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or



tamper with the evidence.

- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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