

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60581 of 2018

Arising Out of PS.Case No. -133 Year- 2017 Thana -DHAMDHAHA District- PURNIA

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1. Pinku Kumar S/o Sunil Mahto, R/o Vill.- Bardela, P.S.- Dhamdaha,
District- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Praveen

For the Opposite Party/s : Mr. Sri Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-10-2018 Heard the parties.

The petitioner seeks regular bail in connection with Special Case No.50 fo 2017 arising out of Dhamdaha P.S.Case nO.133 of 2017 registered for offences punishable under Sections 323, 341, 376 of the Indian Penal Code and Sections 3/ 4 of the POCSO Act.

Allegation against the petitioner is that the petitioner proposed to marry with the informant and he said that he will consume poison if she does not agree for the smae and he made physical relation with her and when she became pregnant she asked him to marry but she was assaulted by his family members.

Submission of the learned counsel for the petitioner is that FIR itself shows that she was consenting party and she is aged about 18 yeas and the petitioner is in custody since 21.6.2018. The



charge-sheet has also been submitted.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that there is allegation of commission of rape against the petitioner. .

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Addl. Sessions Judge-I-cum-Special Judge, Purnia, in connection with Special Case No.50 of 2017 arising out of Dhamdaha P.S.Case no.133 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and in the event of failure to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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