

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36180 of 2018

Arising Out of PS.Case No. -27 Year- 2018 Thana -BUXAR District- BUXAR

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Ram Suresh Upadhyay, Son of Late Lal Bahadur Upadhyay, R/o Vill-
Mathila, P.S.- Koran Sarai, Distt- Buxar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kr. Pandey, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Buxar (T) P. S. Case No.27 of 2018 registered under Section 376
of the Indian Penal Code and Sections 9, 10 and 11 of the
Prohibition of Child Marriage Act, 2016. Subsequently, Section 4
of the POCSO Act was added.

It is submitted that no case under Section 376 of the
Indian Penal Code and 4 of the POCSO Act is made out against
the petitioner and other offences under the Prohibition of Child
Marriage Act, 2016 are bailable in nature.

On the other hand, learned Additional Public



Prosecutor for the State submitted that the petitioner being *purohit* from the side of the girl was engaged to perform marriage of a child aged about 15 to 16 years. He submitted that the petitioner does not deserve grant of pre-arrest bail for his alleged misconduct.

I have heard learned counsel for the parties.

Considering the fact that no offence under Section 376 of the IPC and Section 4 of POCSO Act is attracted against the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum- Special Judge SC/ST & POCSO Act, Buxar in Buxar (T) P. S. Case No.27 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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