

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29685 of 2019

Arising Out of PS. Case No.-201 Year-2016 Thana- RIGA District- Sitamarhi

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Ramu Kumar @ Ramu Paswan, Male, aged about 24 years son of
Ramswaroop Paswan @ Mehi Paswan Resident of Vill.- Matiyar, P.S.-
Sahiyara, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Radha Mohan Singh,
Mr. Sangeet Deokuliar, Advocates
For the Opposite Party : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 13-05-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 376, 313, 323 and 504 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 4 of the POCSO Act registered in connection with Riga P.S. Case No. 201 of 2016.

3. It is submitted that the petitioner has been falsely implicated on the accusation of establishing physical relationship with the complainant/informant on the false promise of marriage. It is stated however that the parties have since solemnized marriage on 18.11.2016 when they were 23 years and 19 years of age respectively and are continuing to reside together (Annexure-2). The parties have since been residing together harmoniously as evident from the affidavit of the complainant/informant (Annexure-3). The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO Act), Sitamarhi in connection with Riga P.S. Case No. 201 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

5. The provisional bail granted to the petitioner shall be confirmed if the petitioner produces the complainant/informant before the learned court below within the period stipulated for surrender and furnishing bail bond, on verification by the court below with respect to the genuineness of the marriage certificate and the affidavit (Annexures 2 and 3) and on satisfying itself that the parties are residing together as husband and wife, failing which his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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