

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31690 of 2019

Arising Out of PS. Case No.-90 Year-2017 Thana- ARIYARI District- Sheikhpura

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DHIRAJ KUMAR Son of Ashok Ram Resident of Village-Baruna, Police
Station-Ariari (Kasar), District-Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 08-08-2019 Heard learned counsel for the petitioner and learned APP for the
State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 363, 366(A), 372/34 of the Indian Penal Code and Section 8 of the POCSO Act registered in connection with Ariari (Kassar) P.S. Case No. 90 of 2017, POCSO Case No. 17 of 2017.

3. It is submitted that the petitioner has been falsely implicated as evident from the statement of the so-called victim girl recorded under Section 164 Cr.P.C. wherein she has categorically stated that she had voluntarily accompanied the petitioner and solemnised marriage with him. She has further stated her age to be of 19 years. It is therefore, submitted that the ingredients of Section 366A of IPC and Section 8 of the POCSO Act are not satisfied. 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 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 District and Sessions Judge, Sheikhpura, in connection with



Ariari (Kassar) P.S. Case No. 90 of 2017, POCSO Case No. 17 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following 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 co-operate 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.
- iv. 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.

(Vikash Jain, J)

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