

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47108 of 2019**

Arising Out of PS. Case No.-31 Year-2015 Thana- MAJHAULIA District-
West Champaran

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SUDHIR KUMAR, male, aged about 30 years, Son of Mahendra Das
Resident of Village - Uttim Pandey Tola, P.S.- Maghaulia, District- West
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar Gupta, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 366(A), 376, 504, 506/34 of the Indian
Penal Code and Section 8 of POCSO Act registered in connection
with Majhaulia P.S. Case No. 31 of 2015.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact the so-called victim girl has
solemnized marriage with Ayush Kumar as evident from the
certificate of marriage dated 17.09.2014 (Annexure-2) but
subsequently divorce on the basis of mutual consent has been
granted by the learned Principal Judge, Family Court, West
Champaran, Bettiah by order dated 22.11.2017 in Divorce Case
No. 394 of 2017 (Annexure-5). The petitioner has been
implicated merely because he happens to be the brother of Ayush
Kumar. From the divorce petition (Annexure-4), it transpires that
the girl in question is a major of 21 years of age and has not



named the petitioner in her deposition recorded under Section 164 Cr. P.C. 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 Additional Sessions Judge 1st cum Special Judge, West Champaran, Bettiah in connection with Majhulia P.S. Case No. 31 of 2015, 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 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.

(iv) 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.

(Vikash Jain, J)

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