

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28979 of 2020**

Arising Out of PS. Case No.-142 Year-2019 Thana- KASIMBAZAR District- Munger

RAVI RAUSHAN KUMAR Son of Dhaneshwar Mahto Resident of Village-
Hemzapur Chand Tola, P.S.- Dharhara and District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Mishra, Advocate

For the Opposite Party/s : Mr Nityanand Tiwari, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Nityanand Tiwari, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Kasim Bazar Police Station (for brevity, PS) Case No 142 of 2019 instituted for the



offence punishable under Sections 363, 366A of Indian Penal Code and Section 8 of Prevention of Children from Sexual Offences (for brevity, *POCSO*) Act.

The prosecution case alleges that the informant's daughter left for tuition, where after she has not returned.

It is submitted by the petitioner's counsel that it has wrongly been stated in the First Information Report that the victim's age was about 17 years. Actually, she is aged about 19 years, as per disclosure in the deposition recorded under Section 164 of Criminal Procedure Code (for brevity, *Cr P C*) (Annexure 2). The statement under Section 164 of Cr P C belies the prosecution case as the victim has stated that she has solemnized marriage with the instant petitioner and is living with him in matrimony.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, POCSO, Munger in Kasim Bazar PS Case No 142 of 2019 subject to the



following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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