

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25472 of 2020**

Arising Out of PS. Case No.-437 Year-2019 Thana- SIRDALA District- Nawada

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Nitish Kumar, Son of Karu Soma, Resident of Village- Meskaur, P.S.-
Meskaur, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-10-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

three weeks after start of normal functioning of the Court.

Heard Mr. Rajeev Nayan, learned counsel for the
petitioner and Mr. Shyam Kumar Singh, learned APP for the
State.

In compliance of the order dated 30.09.2020 the
informant and her father both have appeared in the virtual Court
from the Chambers of Mr. Rajeev Nayan, learned Advocate for
the petitioner.

The petitioner in the present case is seeking regular
bail in connection with Special Case No. 53 of 2019 arising out
of Sirdala P.S. Case No. 437 of 2019 registered for the offences



punishable under Section 376 (A), (B) of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the victim girl/informant is major and the same would be evident from the Aadhar Card in which her date of birth has been mentioned 07.10.2001. It has also been submitted that the petitioner and the informant have got married with the consent of the family and the informant is residing in the house of this petitioner. She is also carrying a pregnancy about seven months. The informant has appeared and in course of interaction in presence of the learned Advocate for the petitioner and the learned A.P.P. who is also connected on line, the informant admits that she has solemnized marriage with the petitioner and is residing in her sasural. Her father Mr. Anandi Prasad has also appeared and in his statement before this Court he has also informed that marriage has been solemnized with the consent of the parties and he had also given his consent for the marriage. The informant is carrying a pregnancy of seven months and in order to look after her, the father of the informant is also seeking release of the petitioner on bail.

Learned A.P.P. for the State has stated in course of his submission that since the marriage has been solemnized with the



consent of girl and her guardian and she is carrying a pregnancy of seven months, he would not oppose the prayer for bail.

In the given facts and circumstances of the case as recorded hereinabove, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-I-cum-Special Judge, Nawada in connection with Special Case No. 53 of 2019 arising out of Sirdala P.S. Case No. 437 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

