

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17955 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- PARSABAZAR District- Patna

PRIYARANJAN KUMAR Son of Manoranjan Thakur Resident of -
Mohiuddinpur Tarwa, Post office - Suiya, Police Station - Parsa Bazar,
District - Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Digvijay Narayan Singh, Advocate Mr. Ujjwal Bhushan, Advocate
For the Informant	:	Mr. Basant Kr. Singh, Advocate
For the State	:	Mr. Sanjay Kumar Tiwary, No.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-09-2021 Heard learned counsel for the petitioner, Mr. Basant Kumar Singh, learned counsel for the informant and Mr. Sanjay Kumar Tiwary No.1, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Parsa Bazar P.S. Case No. 333 of 2020 (Special (POCSO) Case no. 160 of 2020 registered for the offences punishable under Section 420/376 of the Indian Penal Code and Section 6 of POCSO Act. He is in custody since 03.09.2020 having no criminal antecedent as stated in paragraph '3' of the application.

The main contention of learned counsel for the petitioner is that the victim was major on the alleged date of occurrence. Her mark-sheet of the matriculation has been



brought on the record showing her date of birth as 12.04.2002. The learned Additional Sessions Judge - 1st Court, Patna while rejecting the prayer for bail of the petitioner wrongly recorded that the victim girl is minor.

It is his further submission that the petitioner and the victim both are willing to solemnize marriage, in fact the whole prosecution case is based on the allegation that right from beginning the petitioner and informant were good friends and they decided to marry with each other but after establishing physical relationship the petitioner had refused to marry the informant. Learned counsel submits that in paragraph 17 of the present petition the petitioner has made a categorical statement that he is willing to marry the informant.

Mr. Basant Kumar Singh, learned counsel for the informant has appeared and admits that the informant is major and she also wants to enter into the matrimonial relationship with the petitioner. On behalf of the informant also submission has been made to enlarge the petitioner on bail so that the informant and petitioner may marry each other and live a happy conjugal life.

In the nature of the submission made hereinabove, learned A.P.P. for the State submits that since it is a matter of



love affair between the two parties and they are looking for marrying each other he would have no objection if the petitioner is released on bail.

Considering the facts and circumstances of the case, the materials placed before this court saying that the informant was major on the alleged date of occurrence and it is her own case that she had developed good friendship with the petitioner and both of them had decided to marry each other, considering the undertakings given by the petitioner in paragraph '17' of the present petition and consent of the informant, this Court directs release of the petitioner above-named 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 Additional Sessions Judge - 1st – cum – Special Judge, POCSO, Patna in connection with Parsa Bazar P.S. Case No. 333 of 2020 (Special (POCSO) Case no. 160 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that in terms of his undertaking recorded in paragraph '17' of the present petition the petitioner shall abide by the same.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

