

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21165 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- BARIYARPUR District- Munger

Aditya Kumar, aged about 21 years, Son of Rambideshi Chaudhary, Resident of Village - Sahebganj, P.S.- Sahebganj, District - Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 17-11-2021 Heard Mr. Ram Sevak Choudhary, learned counsel appearing on behalf of the petitioner and Mr. Anil Kumar Singh No. 1, learned APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with Bariyarpur P.S. Case No. 90 of 2020, registered for offence punishable under Sections 366 (A) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).

Learned counsel appearing on behalf of the petitioner submits that the victim girl has given her statement under Section 164 of the Cr.P.C. that she does not want to live with her mother and father. She has left her home on her own free will and she never wants to live with her parents. She has further stated that she has already married with the petitioner and is



residing happily with her inlaws.

Learned counsel appearing on behalf of the State, submits that since the age of the girl is minor, as such the petitioner does not deserve the privilege of bail.

Considering the facts and circumstances of the case, as well as the free will of the victim girl, who has deposed under Section 164 Cr.P.C. that if she be sent along with her mother and father, there is every livelihood and they would torture her as well as the fact that she has already married with the petitioner and living along with him, let the Court below determine the age of the victim girl and in case she has not attained the majority, the victim be given protection to live along with any person known to the victim with whom she wants till she attains her majority.

Having regard to the facts and circumstances of the case, submission made by learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J. VI-cum-Exclusive Special Court (POCSO Act), Munger in connection with Bariyarpur P.S. Case No. 90 of 2020, subject to following conditions:



(I) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) 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 bonds shall be liable to be cancelled by the learned Court concerned.

(iv) 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.

(Purnendu Singh, J.)

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