

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33490 of 2021

Arising Out of PS. Case No.-153 Year-2019 Thana- SONBERSA District- Sitamarhi

Mukesh Kumar @ Mukesh Kumar Singh S/o Shivsharan Singh Resident of
Village- Sugahi, P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 04-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Sonbarsa P.S. Case No. 153 of 2019, registered for the offence under Sections 363, 366(A) of the Indian Penal Code and Section 8 of the POCSO Act.

As per the prosecution case, this petitioner alongwith other FIR named accused persons seduced the minor daughter of the informant for the purpose of marriage.

It is submitted on behalf of petitioner that the alleged occurrence has taken place on 11.07.2019, but the FIR was lodged on 18.07.2019 and the same was received in the court of learned A.D.J. on 30.07.2019, which suggests antedating of the First Information Report. It is further submitted that during course of investigation, the victim girl was recovered and her



statement was recorded under Section 164 Cr.P.C., wherein, she has got her age recorded as 20 years and she has specifically admitted that she has married with the petitioner and residing with him, as husband and wife and none has kidnapped her. The petitioner is in custody since 25.02.2021. Investigation is complete.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as statement of the victim girl recorded under Section 164 of the Cr.P.C., the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District and Sessions Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 153 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for
cancellation of bail.”

(Prabhat Kumar Singh, J.)

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