

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28436 of 2020**

Arising Out of PS. Case No.-370 Year-2019 Thana- BARARI District- Katihar

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1. Sunny Kumar @ Shani Kumar, Son of Manoj Mandal, Resident of Village - Soti, P.S.- Barari, District - Katihar.
  2. Manish Mandal, Son of Puran Mandal, Resident of Village - Soti, P.S.- Barari, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL ORDER**

2      18-01-2021                      Heard learned counsel for the petitioners and the State.

The petitioners are apprehending arrest in connection with Barari P.S. Case No. 370 of 2019 for the offence under Sections 376, 363, 506 of the Indian Penal Code and Section 4 of the POCSO Act.

Learned counsel for the petitioners at the bar submits that in fact the petitioner no.1, namely, Sunny Kumar @ Shani Kumar, has joined the wedlock of the victim and they are happily living conjugal life as husband and wife. He further submits that in fact the present case was lodged at that point of time as a pressure tactics to settle the marriage between



petitioner no.1 and the alleged victim.

Considering the statement at bar, the application for grant of anticipatory bail is disposed of with a direction to the court below (Additional Sessions Judge-I-cum- Special Judge, Katihar) to verify the fact that whether the victim and petitioner no.1 have joined the wedlock and if it is established that they have joined the wedlock and living happily as husband and wife, the court below shall release the petitioners on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each in connection with Barari P.S. Case No. 370 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In the event, the court below is not satisfied with the statement that the petitioner no.1 and the victim have joined the wedlock and they are living happily, the court below shall not release the petitioners.

**(Anil Kumar Upadhyay, J)**

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