

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31712 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHILA P.S. District- Muzaffarpur

Bittu Kumar, aged about 23 years (Male), Son of Vinod Paswan, Resident of
Village - Patahi Hari, P.S.- Sadar, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
for the State : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-02-2021

Heard Mr. Prabhat Kumar Singh, learned counsel for the petitioner and Mr. Umesh Lal Verma, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Mahila PS Case No. 01 of 2020 dated 04.01.2020, instituted under Sections 376/323/341 of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

3. The allegation against the petitioner and others is that they had enticed the informant and the petitioner had assured to marry her and established physical relationship.

4. Learned counsel for the petitioner submitted that the allegation is false and the informant was in love with the



petitioner and upon attaining the age of majority on 05.02.2021 they have also married as per Hindu customs and rites. Learned counsel drew the attention of the Court to the supplementary affidavit filed by him, which is affirmed by the informant, the so-called victim, who has clearly stated that she has married the petitioner on her own free will and is living with him.

5. Learned APP submitted that the allegation is of enticing the daughter of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO, Muzaffarpur in Mahila PS Case No. 01 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further that one of the bailors shall be a close relative of the petitioner.

7. As the affidavit has been filed by learned counsel for the petitioner, if it transpires that the said affidavit of the victim is not on her own free volition, it shall be open to the



informant to move before this Court for initiation of proceeding against the petitioner.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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