

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.254 of 2021

Arising Out of PS. Case No.-509 Year-2019 Thana- BODHGAYA District- Gaya

NEERAJ KUMAR @ NIRAJ KUMAR Son of Dinanath Yadav Resident of
Village- Beladih, P.S.- Cherki (Bodhgaya), Distt- Gaya.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Kumar Nikhil, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2021 Learned counsel for the appellant undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

Appellant, in the present case, is seeking regular bail
in connection with Bodhgaya (Cherki) P.S. Case No. 509/2019
registered for the offences punishable under Section 366(A)/34
of the Indian Penal Code and Sections 3(2)(v-a) of SC/ST Act.

Learned counsel for the appellant has invited the
attention of this Court towards the certificate of the Bihar
School Examination Board, Patna showing the date of birth of
the girl as 22.03.2002, she appeared before the learned Judicial
Magistrate, 1st Class, Gaya on 22.06.2020 and made statement
that she had left her house on her own volition and had gone to



Delhi where she had solemnized marriage with this appellant on 19.06.2020.

Learned counsel submits that the girl has solemnized marriage with this appellant when she was major. She had come to make statement before the learned Judicial Magistrate with her mother-in-law and she is presently residing in the house of this appellant. The factum of marriage is also evident from the affidavits sworn before the learned court below.

In the aforesaid view of the matter, learned Special Public Prosecutor for the State does not oppose this application for grant of regular bail, the impugned order is, thus, set-aside, let the appellant above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Gaya, in connection with Bodhgaya (Cherki) P.S. Case No. 509/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of



the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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

(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'.

