

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6182 of 2021**

Arising Out of PS. Case No.-57 Year-2019 Thana- SARAI District- Vaishali

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RAUSAN KUMAR SONALI @ RAUSHAN KUMAR S/o Akhilesh Rai
Resident of Village- Rahasa, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Ms. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 29-07-2021 Learned counsel for the petitioner 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 petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Sarai P.S. Case No.57/2019 registered for the offences punishable under Sections 363/366(A)/120(B)/34 of the Indian Penal Code and Section 8 of the POCSO Act. He is in custody since 19.10.2020.

As per the prosecution story, the sister of the informant had gone traceless after she went for her school. The First Information Report has been lodged 21 days after the sister of the informant went missing.

Learned counsel for the petitioner submits that in course

of investigation the sister of the informant has appeared and got recorded her statement under Section 164 Cr.P.C. On the said date of recording her statement under Section 164 Cr.P.C. she was more than 18 years as per her date of birth recorded in the school admit card. In her statement she claimed that she is aged about 20 years, had developed love affair with the petitioner and then married him. She stayed with the petitioner at Delhi after marriage and they have got a six months old child.

The medical examination report which is contained in paragraph '88' of the case diary has found that the victim is aged more than 20 years.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case and upon noticing the kind of materials discussed hereinabove wherein the victim is major and she accepts that she had been in love with the petitioner and got married with him and out of the said marriage she has got a six months old child, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No.57/2019, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.