

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7946 of 2021**

Arising Out of PS. Case No.-13 Year-2018 Thana- MAHILA PS District- Jamui

=====

UMESH DAS @ UMESH KUMAR DAS S/O NAKUL DAS Resident Of  
Village - Rajaun, P.S. - Sono (Charkapathar) District - Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Umesh Prasad, Adv.

For the Opposite Party/s : Mr. Dashrath Mehta, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      17-08-2021                      In view of sudden resurgence of COVID-19 infection  
  
there is limited functioning of the High Court and therefore the  
  
matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the  
learned APP for the State.

This Court would expect that the petitioner's Counsel  
would honour his undertaking in the instant proceedings  
regarding supply of requisite court fee etc. within two weeks  
from the date he is called upon to do so by the office.

Petitioner seeks bail in Jamui Mahila PS Case No. 13  
of 2018, POCSO Case No. 15 of 2018, registered under Section  
376 of the Indian Penal Code and Section 3/4 of POCSO Act.

The allegation is that the petitioner has established



physical relation with the informant on the pretext of solemnizing marriage. Thereafter, he has denied the marriage and forced the informant to undergo abortion.

Learned counsel for the petitioner submits that earlier petitioner's prayer for bail was twice rejected in Cr. Misc. No. 38847 of 2018 dated 12.10.2018 and in Cr. Misc. No. 59182 of 2019 dated 25.09.2019. Petitioner continues to be in custody since 16.04.2018. Further submission is that in the statement of the victim recorded under Section 164 Cr.P.C., regarding victim being a minor, appears false. It is further submitted that the informant and the petitioner have jointly filed a petition in the court below, copy of the same has been placed on record by way of supplementary affidavit stating that they are willing to solemnize marriage. Subsequently, at the trial also the alleged victim in her cross examination at the trial has stated that the case was lodged because the petitioner refused to solemnize marriage with her.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st-cum-Special Judge (POSCO Act), Jamui in Jamui Mahila PS Case No. 13 of 2018, POCSO Case No. 15 of 2018, subject to verification of the fact that the informant still supports the petition filed before the court below regarding willingness to solemnize marriage to the petitioner with following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

rakhi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

