

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8856 of 2021**

Arising Out of PS. Case No.-154 Year-2020 Thana- ISUAPUR District- Saran

Samiruddin @ Rajan Son Of Shekh Ajim Resident Of Vailage- Sahwan, P.S.-
Isuapur, District- Saran At Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Anis Akhtar, Advocate

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

5 18-08-2021 Heard Mr. P.K. Shahi, learned Senior Counsel for the petitioner assisted by Mr. Dewendra Narayan Singh, learned Advocate, learned counsel for the informant and learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Isuapur P.S. Case No. 154 of 2020 (POCSO Trial No. 55 of 2020) registered for the offences punishable under Section 323, 120B, 420, 376, 504, 34 of the Indian Penal Code and Section 4 of the Dowry Prohibition Act and Section 4 of the Protection of Children from Sexual Offences Act (in short the “POCSO Act”).

Learned Senior Counsel for the petitioner has drawn the attention of this Court towards the allegation in the first information report which arises out of a complaint bearing No.

55/2020 filed in the learned court below. In her F.I.R. the victim alleged that this petitioner had been pretending love with her and told her that he wanted to marry her and as they belong to the same caste, marriage may be solemnized in the village. It is the case of the informant that believing the words of the petitioner she started talking with the petitioner and accepted a mobile set with a sim card from him. Both of them were regularly talking with each other.

It is further alleged that over the period the petitioner allured her in the name of marriage and established physical relationship. The physical relationships were established since first week of March 2020 till first week of July 2000 on many occasions. Thereafter she alleges that when the family of the informant came to know about the relationship and they went to the family of the petitioner to arrange for marriage between the two, the petitioner refused to marry her. On the request of the father of the informant, the accused persons demanded a sum of Rs. Two Lakhs and one Bullet motorcycle in dowry. Since the father of the informant was unable to pay that much of dowry, the accused persons abused the family members of the informant and assaulted them.

Learned Senior Counsel for the petitioner submits that it is a case of false implication of the petitioner because the proposal

for marriage of the informant was not accepted by the parents of the petitioner. The reason was that the sister of this informant had fled away with a person, she was traced out after some time and thereafter in presence of the Panchas the father of the informant accepted her daughter who had fled away with some other person. Because of such prestige issues the father of the petitioner was not agreeable for marriage. Petitioner has no criminal antecedent.

Learned Senior Counsel further submits that in course of medical examination the victim has been found aged between 18-20 years and no sign of rape has been found.

Learned counsel for the informant submits that the petitioner had established physical relationship on allurement of marriage. It has come in paragraph 17 and 33 of the case diary that they were regularly talking with each other over mobile. However, on query made by this Court as regards the age of the victim girl, learned counsel for the informant does not dispute that the medical board has found the victim major aged between 18-20 years.

Considering the facts and circumstances of the case, the victim is being major between 18-20 years of age which is not being disputed, her continuous relationship as alleged with the petitioner over several months and the medical examination report saying that there is no evidence of recent sexual intercourse and

further no other material has been brought to the notice of this Court against the petitioner, this Court directs release of the petitioner above named 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, POCSO Act, Saran at Chapra, in connection with POCSO Trial No. 55 of 2020 (Isuapur P.S. Case No. 154 of 2020), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And the petitioner shall not come in contact with the informant and/or her family members.

(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'.