

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10491 of 2021**

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA P.S. District- Sitamarhi

RAHUL KUMAR S/o Shatrudhan Mahto Resident of Village- Kanhauli, P.S.-
Kanhauli, District- Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radheshyam Sharma, Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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

2 20-05-2021 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 Sitamarhi Mahila P.S. Case No. 3 of 2019
registered for the offences punishable under Section 376 of the
Indian Penal Code and Section 8 of the POCSO Act.

Learned counsel for the petitioner submits that as per
the prosecution story, one Shatrudhan Mahto came to the house
of the informant and along with his son (this petitioner) and
took her to Sitamarhi. It is alleged that while Shatrudhan Mahto



returned from Sitamarhi, the informant and the petitioner went to Muzaffarpur and stayed in a hotel where she was sexually abused by this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the victim girl is aged about 20 years and only to make a case under POCSO Act she has stated her age 15 years. It is further submitted that the petitioner and the victim girl are happily married and Mukhiya of the village has also issued a certificate to this effect. Learned counsel submits that the petitioner has got no criminal antecedent and is in custody since 02.11.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the victim girl is aged about 20 years and now the petitioner and the victim girl has solemnized marriage, learned counsel for the petitioner also submits that this fact may be verified by the learned court below, let the petitioner 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 A.D.J.-VI, Sitamarhi in connection with Sitamarhi Mahila P.S. Case 3 of 2019, subject to condition that before acceptance of the bail bond the learned court below shall satisfy itself with the age of the victim girl and the claim of the petitioner that the petitioner and victim girl has solemnized marriage happily and without any coercion, on being satisfied so, the learned court below shall accept the bail bond of the petitioner and further 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'.

