

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3928 of 2022

Arising Out of PS. Case No.-271 Year-2020 Thana- PUPRI District- Sitamarhi

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KRISHNA KUMAR @ KRISHN KUMAR Son of Amiri Sahni Resident of
Village - Bhitha Dharmapur, P.S.- Pupri, Dist.- Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Pupri P.S. Case No. 271 of 2020 for the offence punishable
under Section 376 of the Indian Penal Code and Sections 4 and
6 of the POCSO Act.

The prosecution story, in brief, is that a written report
was filed by the victim before the S.H.O., Pupri on 08.09.2020,
alleging therein that the petitioner who was aged about 21 years
at the time of alleged commission of offence had made physical
relationship with the victim on the assurance that he will marry



with her.

The matter has been taken up out of turn considering the fact that the parties have now agreed to enter into a matrimonial relationship.

It is submitted by Mr. Virendra Kumar, learned counsel appearing on behalf of the informant that the informant, as on date, has become adult and she has shown her willingness to enter into matrimonial relationship with the petitioner. However, taking into consideration the nature of allegation made against the petitioner, he may be released on provisional bail subject to the condition that immediately after release, the petitioner would marry with the informant.

Mr. Birendra Kumar, learned counsel appearing on behalf of the petitioner agrees with the aforesaid terms and conditions as submitted by Mr. Virendra Kumar, learned counsel appearing on behalf of the informant.

Considering the submission of rival parties that they have jointly agreed that the petitioner may be released on provisional bail subject to the condition that immediately after release, the petitioner would marry with the informant.

Court below is directed to release the petitioner on provisional bail subject to the condition that within one month



petitioner will enter into matrimonial relationship with the informant and to that effect they can make their application before the concerned authority under Hindu Marriage Act / Special Marriage Act and other conditions as fixed by the court below.

If such application is brought to the notice of the court below, the provisional bail of the petitioner shall be made absolute.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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