

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9038 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- GORAUL District- Vaishali

Rohit Kumar @ Rouky Kumar @ Rauky Kaumar S/O Rajendra Sah R/o
village- Hasanpur Gough, P.S.- Goraul, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Bhardwaj, Advocate.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-06-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 366(a)/34 of Indian Penal
Code and later on added Section 376 IPC, and Section 3r/w 4 of
POCSO Act.

As per allegation the informant's minor daughter aged
about 16 years was kidnapped by the petitioner with an intention
to marry her.

The main submissions advanced by learned counsel
for the petitioner are that the so called victim has been



medically examined for the purpose of determination of her age and according to the said medical examination her age has been assessed between 18 to 20 years, in fact the said victim had love affair with petitioner and she voluntarily left the house of her parents, she voluntarily solemnized marriage with this petitioner and in support of this fact she and the petitioner have jointly sworn their affidavit cum marriage agreement in which she accepted her marital relationship with this petitioner. Further submission is that the victim's statement has been recorded under Section 164 Cr.P.C, of which details has been mentioned in the order of learned Court below and according to her statement, she had sufficient opportunities on several occasions to resist or raise objection against the petitioner's alleged act if the same was committed against her will but she remained silent on the said occasions and she accepted her marital relationship with this petitioner in her statement and all these facts show her consent as well as willingness in living the house of her parents and going into company of petitioner to lead a matrimonial relationship.

Learned APP has opposed the prayer for bail.

Heard both the sides and perused the FIR. The informant's daughter who is stated to be the victim of this case,



has been recovered and as per order of learned Court below the investigation has been completed and petitioner's case is running for the framing of charge. As per petitioner's counsel the petitioner himself surrendered before the Court below and languishing in jail since 22.10.2021. The petitioner's case is at initial stage of trial and as per paragraph no. 3 of his petition, he has got no criminal antecedent. Considering all these facts as well as above submissions, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of like amount each to the satisfaction of concerned Court in connection with Goraul P.S. case No. 262 of 2021.

(Shailendra Singh, J)

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