

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9586 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- PURNEA SADAR District- Purnia

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Rahul Kumar Son of Bindo Tatma @ Bindeshwari Das Resident of Village -
Matiya, Ward no.13, P.s.- Mufasil Ranipatra, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sadar
Mufassil P.S. Case No. 412 of 2021 registered for the offence
under Sections 363, 366(A), 323, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.08.2021.



The present case has been instituted in furtherance of the complaint filed before the POCSO Court-cum-Additional District Judge-VI, Purnea which have been forwarded to SHO, Sadar to lodge F.I.R., under Section 156(3) of Cr.P.C. It is very strange that despite of having all ingredients, *prima facie*, as regard to the sexual assault/abuse, no case under POCSO Act, lodged by the SHO, Sadar Mufassil.

Superintendent of Police, Purnea is present alongwith I/O of the case and submitted that we remain careful in future while dealing such cases.

The allegation against the accused/petitioner is to taken away the minor daughter of informant from the house for illicit intercourse with another person.

Learned counsel appearing on behalf of the petitioner submitted that from the statement of victim girl, as recorded under Section 164 of Cr.P.C., it appears that she went with the petitioner on her own sweet will and solemnized her marriage. It has also been submitted that on Court questions, victim girl specifically stated that she want to join her matrimonial home. While arguing over the matter, it has further been stated that the victim is about 18 years old, as it is apparent from her medical examination report and moreover this is not a case of sexual



assault, as sexual intent is absent.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the statement of victim girl recorded under Section 164 of Cr.P.C. is not suggesting any sexual assault on the part of the petitioner.

Considering the facts and circumstances as mentioned above, as the victim girl went with the petitioner on her own sweet will and solemnize her marriage, as stated in her statement recorded under Section 164 Cr.P.C., negating any sexual assault, let the petitioner, above named, is directed to be released on bail in connection with Sadar Mufassil P.S. Case No. 412 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner, duly supported by



the documents.

(ii) That one of the bailors shall be Bindeshwari Das @ Bindo Tatma, who is the father of the accused/petitioner and deponent of the present case.”

The personal appearance of Superintendent of Police, Purnea and I/O of the case is dispensed with.

(Chandra Shekhar Jha, J)

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