

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19155 of 2022

Arising Out of PS. Case No.-572 Year-2021 Thana- BEUR District- Patna

SONU KUMAR @ KANT KUMAR SON OF DILIP PRASAD @ DILIP
RAM R/O VILLAGE- BHASAMA MATH, P.S.- MASAUHRI, DISTRICT-
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 05-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Special (POCSO) case
no. 01/2022 arising out of Beur P.S Case No. 572 of 2021
registered for the offence punishable under Section 363 of the
Indian Penal Code and section 8 of the POCSO Act.

As per the allegation the victim who happens to be
minor daughter of the informant left the house of her guardian
in persuasion of this petitioner and at that time the petitioner
revealed before the informant that on that day his birthday
celebration was being made and the informant permitted the
victim to go with him to celebrate the petitioner's birthday



celebration.

The submissions advanced by Sri Satish Chandra, the learned counsel for the petitioner are that FIR of this case was lodged after 16 days of the alleged occurrence, as per the FIR the petitioner and the prosecution party are relatives and in fact the so-called victim was having love affair with this petitioner and she solemnized marriage with this petitioner according to her own will and thereafter, started living in the house of this petitioner as his wife and during the course of investigation victim's statement was recorded under section 164 Cr.P.C and in that statement she accepted her matrimonial relationship with the petitioner and after recovery she denied for her medical examination. Further submission is that the so-called victim recorded her statement under section 164 Cr.P.C under the pressure of her father.

Sri Pranav Kumar, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the FIR and the case diary.

The victim has been recovered and she is stated to be a relative of this petitioner who is 21 years old boy as per his petition and he has been languishing in jail since 29.12.2021,



he has been charge sheeted and his case is at initial stage of trial and in the statement recorded under section 164 Cr.P.C the victim did not allege that this petitioner forcefully took her from her father's house and also did not allege any type of physical harassment to her by this petitioner during her captivity.

Considering these facts as well as above submissions in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge VI-cum- Special Judge, POCSO, Patna in Special (POCSO) case no. 01/2022 arising out of Beur P.S Case No. 572 of 2021.

(Shailendra Singh, J)

s.hassan/-

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