

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32580 of 2021

Arising Out of PS. Case No.-342 Year-2019 Thana- GORAUL District- Vaishali

SANTOSH SAH @ SANTOSH KUMAR SAH Son of Mithlesh Sah Resident
of Village - Bishunpur Arara, P.S.- Goraul, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 06-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Goraul Police Station Case No. 342 of 2019, registered for the offences punishable under Sections 386-A/376 of the Indian Penal Code, 3/4 of the Prevention of Children from Sexual Offences Act, 2012 and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The prosecution case, as per the complaint -cum- First Information Report, is that the complainant/informant, during the course of attending her school, fell in love with the petitioner, who made a proposal to the complainant/informant for marriage and on the assurance of the petitioner, the complainant/informant went with the petitioner to Patna and



there they solemnized marriage. It has further been alleged that the petitioner kept the complainant/informant for one week at the house of his relative and established physical relationship with her and on 24.04.2018, the complainant/informant was taken to her matrimonial home by the petitioner and thereafter the petitioner fled away.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and there was love affair between the petitioner and the complainant/informant and from perusal of the complaint-cum-First Information Report, it would be evident that both, the petitioner and the complainant/informant, solemnized marriage. He next submits that from the very beginning, the intention of the petitioner was not to deceive or cheat the complainant/informant by inducing her to establish physical relationship inasmuch as in the complaint-cum-First Information Report itself, the complainant-cum-informant has stated that the petitioner performed marriage with her at Patna. He next submits that it was due to some misunderstanding between the parties, the present complaint-cum-First Information Report has been filed. He further submits that as per the medical report, the age of the complainant/informant is between 17 and 19 years



and she was mature enough to take her own decision and on the date of occurrence, the age of the petitioner was about 23 years. He further submits that the petitioner is still willing to keep the complainant/informant as his wife and the brother of the petitioner, namely, Manish Kumar, and mother of the complainant/informant, namely, Sushila Devi, are present before this Court and they have confirmed that the petitioner is, now, willing to keep the complainant/informant as his wife. He further submits that the petitioner is in custody since 30.01.2021 and charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the marriage was solemnized between the petitioner and the complainant/informant, the petitioner is in custody since 30.01.2021 and charge sheet has been submitted, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Court (POCSO) -cum- Children
Court -cum- 6th Additional Sessions Judge, Vaishali, at Hajipur,
in connection with Goraul Police Station Case No. 342 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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