

Arising Out of PS. Case No.-182 Year-2019 Thana- PANDAUL District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP
For the Informant : Mr. Shailendra Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pandaul P.S. Case No.182/2019 registered for the offences punishable under Section 366(A) of the Indian Penal Code. He is in custody since 25.01.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per the prosecution story, the petitioner and the victim girl are



neighbours and they had developed a love affair. It is in course of the said affair that the petitioner allegedly sent a vehicle after calling the informant to enable her to reach the railway station. The informant took the said vehicle, reached railway station and from there the petitioner and the informant both took a train for Bangalore. It is alleged that they stayed in a rented accommodation and after about three days they married in a temple. The alleged occurrence took place on 16.07.2019, after few days i.e. on 02.08.2019 the petitioner is said to have brought the informant to her village and left her near Karpuri Chowk, Pandaul. The victim girl thereafter reached her house and was living with her mother. She lodged the FIR on 08.08.2019.

Learned counsel for the petitioner submits that from plain reading of the FIR it may at best be construed as a case of love affair between the two teen aged boy and girl. The petitioner was aged about 20 years at the relevant time whereas the victim girl has been assessed as 17 years old. It is his submission that in any case there is no allegation that this petitioner had committed any indecent act much less any sexual assault upon the victim and the victim girl has not made any allegation of commission of any sexual assault.



It is submitted that the petitioner is in judicial custody for more than one year, investigation against him is complete and at this stage his release is required to allow him to continue with his study and attach himself with the main stream of the society.

On the other hand, learned counsel for the informant and learned APP for the State have opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner had solemnized marriage with the informant but at this stage he is skipping from his responsibility to continue the relationship.

In this case, this Court had earlier granted adjournments to allow the parties to discuss the issues and resolve the matter amicably but at this stage this Court has been informed that an amicable resolution is not coming out.

Having regard to the nature of the submissions and the materials showing that the victim girl has admitted her love affair with the petitioner and that she had left her house out of the said love affair and in her statement before police and under Section 164 Cr.P.C. she is not making any allegation of sexual assault against the petitioner, the petitioner has remained in custody for over one year, investigation against him is complete and the police has submitted charge-sheet under Section 366A



IPC, at this stage the trial is not likely to commence and be concluded, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Pandaul P.S. Case No.182 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

