

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35837 of 2022

Arising Out of PS. Case No.-644 Year-2021 Thana- PURNEA SADAR District- Purnia

Shubham Kumar Son of Raj Kishore Poddar @ Latha Resident of Village -
Bhatgama, P.S.- Muffasil (Purnea), District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Adv.

For the Opposite Party/s : Mr. Dr.(Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sadar Muffasil (Purnea) P.S. Case No. 644 of 2021 lodged under
Sections 447, 341,323, 376, 34 of the I.P.C. and under Section
4/6 POCSO Act.

As per the prosecution case, allegation made by the
F.I.R. is that the informant's daughter who is alleged to be 16
years of age, is victim in this case the present petitioner has
developed physical relation with her in the name of marriage. It
has been alleged that the petitioner was caught at the house of
the informant. Subsequently the family of the petitioner has
visited the house of the informant and take back his son. The

F.I.R. has been filed against 4 known and 5 unknown persons.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the POCSO Act is not applicable in this case due to the reason that the age of the alleged victim has been asserted by the Medical Board which is Annexure – 4, according to which the age of the victim was found 20 years and above.

He further submits that there is a case and counter case in this event. He further submits that petitioner is in custody since 27.04.2022 in this case, he has clean antecedent. Charge sheet has already been filed in this case. Learned counsel for the petitioner further submits that the victim herself narrated the entire story under Section 164 Cr.P.C. by which it transpires that the alleged victim and the petitioner are in contact to each other and all action has taken place by their concern. Both are major.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Additional District and Sessions Judge- VIth – Cum- Specail Judge POCSO Act in connection with Sadar Muffasil (Purnea) P.S. Case No. 644 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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