

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44817 of 2021

Arising Out of PS. Case No.-72 Year-2019 Thana- BEERPUR District- Begusarai

SOPARI SAH Son of Ram Pukar Sah Resident of Village- Maida
Bhamangama, P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-01-2022 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

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

Petitioner seeks bail in connection with Birpur P.S. Case no. 72 of 2019 (POCSO Case no. 33 of 2019) registered for the offence punishable under sections 366A, 504, 506/34 of the Indian Penal Code read with sections 4, 8, 12 of the POCSO Act later on charge sheet came to be submitted under sections 366A, 504, 506/34 of the Indian Penal Code but cognizance was taken under sections 4, 8, 12 of the POCSO Act read with sections 66(C) and 66(D) of I.T. Act.



Learned counsel for the petitioner submits that petitioner is in custody since 23.4.2021, is person with clean antecedent and charge sheet has been submitted. Learned counsel submits that victim has come back and given her statement under section 164 Cr.P.C wherein she has stated that she on her own volition had gone with the petitioner to Bangalore and they got married. Learned counsel further submits that out of the wedlock, there is a child also. Presently, case has been compromised between the parties. Learned counsel submits that the age of the victim was assessed in between 16 to 18 years by the doctor. It is submitted that even assuming that the victim was in between the said age then also she had reached the age of discretion and understood the consequence of her action.

Learned APP opposes the prayer for bail and fairly submits that victim has made her statement under section 164 Cr.P.C in favour of the petitioner but copy of statement made under section 164 Cr.P.C is not annexed, hence the learned court below be directed to confirm the same.

Considering the submissions of learned counsel for the parties and the fact that petitioner is in jail custody, is person with clean antecedent, charge sheet has been submitted and the victim in her statement recorded under section 164 Cr.P.C has



stated that she has married the petitioner, the petitioner is directed to be released on bail on furnishing bail bonds of Rs 5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge- V -cum- Special Judge, POCSO Act, Begusarai in Birpur P.S. Case no. 72 of 2019 (POCSO Case no. 33 of 2019) subject to the condition that learned court below will ascertain that the statement made under section 164 Cr.P.C is true to the effect what has been pleaded in the present bail application.

(Satyavrat Verma, J)

s.hassan/-

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