

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45965 of 2021**

Arising Out of PS. Case No.-440 Year-2020 Thana- KORHA District- Katihar

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Dinesh Hasda @ Dinesh Hansda Son of Late Jetha Hasda Resident of
Mohalla/ Village- Phulwariya Mathuriyabari,P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner seeks bail in connection with Korha
P.S. Case No. 440 of 2020 dated 24.09.2020 instituted for the
offences under Sections 376, 504, 506 and 34 of the Indian
Penal Code read with Section 4 of the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.10.2020, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that
informant in the F.I.R. alleges that her daughter aged 17 years
came in contact with the petitioner and the petitioner on
assurance of marriage had established physical relation for one
year and then refused to marry the victim. It is further alleged



that on 02.09.2020, the petitioner entered the house of the informant at 9.00 pm and caught the victim but on alarm being raised, the petitioner was caught and was brought before the Mukhiya but no *panchayati* was held.

Learned counsel for the petitioner submits that F.I.R. came to be instituted after a delay of 22 days as the alleged date of occurrence is 02.09.2020 and the F.I.R. came to be instituted on 24.09.2020. It is further submitted that brother of this petitioner instituted Korha P.S. Case No. 410 of 2020 dated 02.09.2020 against the informant and his family members. Learned counsel further submits that it does not stand to reason that why the informant did not institute an F.I.R. when petitioner refused to marry the victim after establishing physical relation when the informant was aware of the said fact. Learned counsel submits that the petitioner has been falsely implicated in this case as the brother of the petitioner has instituted case as aforesaid against the informant and his family members to coase them to compromise the said case.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 08.10.2020, charge-sheet has been submitted in the case,



the petitioner is a person with clean antecedent and the F.I.R. came to be instituted after a delay of 22 days, let the petitioner above named be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Katihar in connection with Korha P.S. Case No. 440 of 2020.

(Satyavrat Verma, J)

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