

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56711 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- SANGRAMPUR District- Munger

Abhinash Kumar @ Avinash Kumar @ Muskan, Son of Baijnath Prasad Singh, R/O Village- Kusmar Sangrampur, P.S.- Sangrampur, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Prasad Roy, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 05-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in connection with Sangrampur P.S. Case No. 150 of 2020 for the offences punishable under Sections 493/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

The prosecution case as alleged in the F.I.R. is that the informant arranged marriage of his daughter Gauri Kumari with Avinash Kumar @ Muskan (petitioner) and for the same Rs.1,50,000/- (Rupees one lakh fifty thousand) was given in cash as token of gift and for marriage expenses, but later on he



refused to marry.

It is submitted on behalf of learned counsel for the petitioner that the victim Gauri Kumari was produced before the Medical Board and her age has been assessed as 17 to 18 years. It is further submitted that the said victim also filed an affidavit before the court below categorically stating that she was in love with this petitioner and married with this petitioner and both are living happily. It is next submitted that the father of the victim also filed an affidavit and fairly submitted that the marriage has already been solemnized between the petitioner and his daughter. It is next submitted that out of wedlock of the petitioner and the victim, a baby girl was also born and this petitioner having no criminal antecedent, is in custody since 31.08.2020. Learned counsel for the petitioner also produced the copy of the deposition made by the victim in the court below wherein she denied all the allegations levelled in the F.I.R.

On the other hand, learned APP for the State opposes the prayer for bail.

Having heard the learned counsel for the parties and taking into consideration the age of the victim and her deposition made before the court below, let the petitioner, named above, be released on bail on furnishing bail bonds of



Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum- Exclusive Special Judge (POCSO Act), Munger in connection with Sangrampur P.S. Case No. 150 of 2020 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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