

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47280 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- MUFFASIL District- West Champaran

Sunil Sahani, aged about 21 years, male, Son of Dinanath Sahani @ Dina Sahani, Resident of Village - Kamala Nagar, P.S. - Manpur, Distt. - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-12-2022 Heard the learned counsel for the parties.

The petitioner seeks bail in connection with Bettiah Muffasil (Banuchapar O.P.) P.S. Case No. 208 of 2021, dated 18.03.2021, instituted for the offences under Sections 366A/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.



The daughter of the informant went missing and her mother suspected the hands of one Bhanu Thakur and Dilip Mishra. Later, the victim was recovered, who has disclosed her age to be 17 years. However, she has also stated that after falling in love with the petitioner, she married him and has also given birth to a baby.

According to the counsel for the petitioner, the mother and the child both are residing in the parental house of the petitioner.

The learned counsel for the State however submits that the petitioner has been made accused in this case with strict liability and the consent of the victim would not absolve the petitioner of his guilt of marrying a minor.

Be that as it may, considering the fact that a child has been born to the victim girl who has, of her own volition, betrothed the petitioner and taking into account the period of custody of the petitioner and his



being a person with no criminal history, he/Sunil Sahani is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Bettiah Muffasil (Banuchapar O.P.) P.S. Case No. 208 of 2021.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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