

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58186 of 2021**

Arising Out of PS. Case No.-21 Year-2021 Thana- MAHILA P.S. District- Lakhisarai

Pammi Kumar, S/O Shri Pachchu Mahto @ Pachchu Mahto R/O Village-
English Ward Number 4, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. APP

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

3 17-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajesh Kumar learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Lakhisarai (Mahila) P.S. Case No. 21 of 2021, for the offences punishable under Sections 420/376 of the Indian Penal Code. Later on Section 4 of the POCSO Act has also been added.

As per the prosecution case, it is alleged that the petitioner (Pammi Kumar) kept the informant (victim) for two years and established physical relationship, when the informant put up the pressure to marry he took her to Kapurai Nath temple at Begusarai and solemnized marriage in the temple and the petitioner said that he will take her with him but later on he went to Tamil Nadu for his livelihood and thereafter he returned



but refused to keep her as wife.

It is submitted on behalf of the learned counsel for the petitioner that from bare perusal of the FIR, it is evident that this is a case of love affair but due to some reason when the marriage has not been finalized the present case has been instituted against the petitioner. It is further submitted that the statement of the victim girl has also been recorded by the learned court below where she categorically stated that she had a love affair with this petitioner and with the consent of each other there was physical relationship between them. She also stated that both of them solemnized marriage but now the petitioner refused to keep her as wife. The victim also stated that she is ready to live with him. It is next submitted that this petitioner is a man of having clean antecedent and is in custody since 14.06.2021 and the investigation has already been completed in the case.

Learned APP for the State opposes the bail application and submits that from the allegation levelled in the FIR and the statement of the victim recorded under Section 164 Cr.P.C. it is evident that she was minor at the time when she developed relationship with the petitioner and as such the petitioner has sexually exploited the victim girl.

Having considered the submissions made on behalf of the parties and taking into consideration the statement of the victim recorded under Section 164 Cr.P.C. and moreover, the fact that both the parties had love affair and were consenting parties and later on they solemnized marriage and started living as husband and wife and further this petitioner refused to keep her as wife and as such the informant has other remedy available under the law. However, this petitioner is in custody



since 14.06.2021 having clean antecedent, 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 learned Additional District & Sessions Judge-VI-cum-Special Judge POCSO Court Lakhisarai, in connection with Lakhisarai (Mahila) P.S. Case No. 21 of 2021, 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)

khushbu/-

U		T	
---	--	---	--

