

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.53879 of 2022**

Arising Out of PS. Case No.-146 Year-2022 Thana- KASIMBAZAR District- Munger

Akash Kumar Son of Jeetendra Ram Resident of Village - Mokbira Kali
Mandir, P.S.- Kasim Bazar, Distt.- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Kasim Bazar P.S. Case No. 146 of 2022
registered for the offences punishable under Sections 366(A).
323 of the Indian Penal Code and Section 8 of the POCSO Act
He is in custody since 04.06.2022. The petitioner has got no
criminal antecedent.

Learned counsel for the petitioner submits that the
petitioner is alleged to have enticed away Bhagini of the
informant and forcibly performed the marriage with her, who is



a minor girl.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that during medical examination the victim has been found aged about 19-20 years. No offence under the provisions of POCSO Act is made out. It is further submitted that the victim was examined under Section 164 Cr.P.C. in which she has not supported the prosecution story. She has stated that she went with the petitioner out of her own sweet will.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is stated that the victim has been assessed to be 19-20 years old by the medical board and in her statement under Section 164 Cr.P.C., she has not implicated the petitioner, the submission being that it is a case of love affair and marriage between the parties and the petitioner has remained in custody in connection with this case since 04.06.2022, investigation against him is complete and at this stage there is no submission on behalf of the State that release of the petitioner is likely to



result in tampering with the evidence or interfering with the course of trial or his presence cannot be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Exclusive Special Judge,(POCSO Act,), Munger in connection with Kasim Bazar P.S. Case No. 146 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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