

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53700 of 2022

Arising out of PS. Case No.-364 Year-2021 Thana- CHOUTARWA District- West Champaran

Mithun Das S/o Gaurchand Das Resident of Mujhariya Colony, P.S.- Bairiya,
District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s: Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 09-12-2022 This matter is heard *via* video conferencing.

In the instant petition, petitioner has sought for regular bail arising out of Choutarwa P.S. Case No. 364 of 2021 for the offences under Sections 363/366(A)/34 of the Indian Penal Code read with Section 8 of POCSO Act.

Learned counsel for the petitioner submitted that petitioner has been falsely implicated. On the other hand, the petitioner and victim girl were married on 21.11.2021 at Areraj Temple, Motihari. She was also examined under Section 161 Cr.P.C. and she has disclosed the aforesaid incident of marriage as well as that she is in love with the petitioner-Mithun Das that the victim's mother filed a complaint. For the aforesaid offences the petitioner was taken into custody on 04.06.2022. He had filed bail petition vide B.P. No. 3240 of 2022 on the file of the



Additional District & Session Judge-VII-cum-Special Judge, POCSO, West Champaran and it was rejected on 10.08.2022 hence the present regular bail under Section 439 Cr.P.C.

Having regard to the fact that petitioner and victim girl were involved in love affair and they were married on 21.11.2021 at Arreraj Temple, Motihari. Further, she is not a minor in terms of the medical board report and she may be of the age of 19-21 years.

In the light of these facts and circumstances, the petitioner is entitled to regular bail. Accordingly, regular bail is granted to the petitioner namely Mithun Das on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties to the satisfaction of Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, West Champaran, Bettiah in connection with Choutarwa P.S. Case No. 364 of 2021 with the following conditions:-

1. The petitioner shall co-operate in investigation and in conclusion of the trial.
2. He shall remain present on each and every date of trial till conclusion of trial.
3. He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.



4. In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be cancelled.

5. The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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