

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59981 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- BISFI District- Madhubani

Aditya Raj @ Rahul Kumar S/O Raja Ram Sah @ Raja Ram Prasad R/O
Village- Kamtaul, P.S.- Kamtaul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-11-2022 This case has been brought under the heading "To be Mentioned" at the instance of Ld. Counsel for the petitioner on the ground of examination of the petitioner scheduled to be held on 28.11.2022.

The petitioner seeks bail in connection with Bisfi P.S. Case No. 19 of 2022, registered for the offences punishable under Section 366 (A)/34 of the Indian Penal Code and Section 12 of the POCSO (Protection of Children from Sexual Offences), Act.

The prosecution story as emerges from the FIR is that one Mousami Kumari, aged 17 years, daughter of the informant had gone outside to attend the call of the nature



at about 4:00 PM but when she did not come back by late evening, it was found on search that one Aditya Raj @ Rohit Kumar who is accused-petitioner, herein, has enticed her with the intent to marry her with the help of his father and one friend.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has been in love with the alleged victim and on 30th January, 2022, she went to Delhi and she also called the accused-petitioner to Delhi and requested him to marry her. Hence, both got married on 21.02.2022 at Arya Samaj Mandir. He has also filed a copy of the marriage certificate issued by Arya Samaj Mandir of Gokhale Market, Delhi. He also submits that the alleged victim, Mousami Kumari is, in fact, major aged above 18 years and her date of birth is 15.08.2001. In support of the same, he has filed a copy of the birth certificate issued by the Deputy Registrar (Birth and Death), Primary Health Centre, Bettiah. He also refers to the medico-legal report regarding the age of the alleged victim as per which she is



aged between 18 to 19 years. He also refers to the statement of the alleged victim recorded under Section 164 of the Cr. P.C, a copy of such statement has also been filed and as per which she has not supported the prosecution case and stated in support of the accused.

The petitioner has been languishing in jail since 15.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State fairly concedes that there is no case made out against the petitioner as per the material on record. In fact, this is a persecution and not prosecution.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Id. Additional Sessions Judge VII cum Special Judge, POCSO Court, Madhubani in connection with Bisfi P.S. Case No. 19 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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