

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71618 of 2021**

Arising Out of PS. Case No.-76 Year-2019 Thana- SHAMBHUGANJ District- Banka

Deepak Singh Son of Dinesh Singh Resident of Village - Naroun, P.S. -  
Shambhuganj, District - Banka (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                       |
|----------------------|---|---------------------------------------|
| For the Petitioner/s | : | Mr. Dhananjay Kumar Pandey, Advocate. |
| For the State        | : | Mr. Satya Nand Shukla, APP.           |
| For the Informant    | : | Mr. Rajesh Kumar, Advocate.           |

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

4      22-06-2022                      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. Dhananjay Kumar Pandey, learned counsel for the petitioner, Mr. Rajesh Kumar, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Shambhuganj P. S. Case No. 76 of 2019 registered for the offences punishable under Sections 341, 323, 354, 354C, 354D, 504, 506 and 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences



Act.

As per the prosecution case, it is alleged that the victim, who happens to be the niece of the informant was living with him since childhood. It is further alleged that this petitioner always use to tease her in various means and manners.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner and victim girl had in love affair with each other but due to some pressure made on account of the family members, this F.I.R. has been instituted. It is next submitted that after some times good relationship has developed between the parties and both the petitioner and the victim girl has solemnized marriage with the consent of their family members and now the victim girl is living with this petitioner as a wife. It is further submitted that from the wedlock of both the petitioner and the victim girl there is a male child aged about ten months and they do not proceed further in the matter.

Learned counsel appearing on behalf of the victim girl supported the contention made on behalf of the petitioner and submitted across the bar that both the victim girl as well as the petitioner are living as husband and wife peacefully.

On the other hand, learned APP for the State



submits that as per the F.I.R. the age of the victim girl has been shown to be sixteen years and thereafter, in this case consent of the victim has no relevance.

Having considered the submissions made on behalf of the parties and taking into account the fact that both the petitioner as well as victim girl have solemnized the marriage and living peacefully and they do not want to proceed further in the matter, apart from that the matter is required to be adjudicated by the trial court and moreover, the petitioner is in custody since 06.11.2021, let the petitioner, above named, 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 VI Additional Sessions Judge-cum-Special Judge POCSO Act, Banka in connection with Shambhuganj P. S. Case No. 76 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 step for cancelling 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.

**(Harish Kumar, J)**

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