

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17587 of 2023

Arising Out of PS. Case No.-520 Year-2022 Thana- DAUDNAGAR District- Aurangabad

LAVKUSH KUMAR Son of Balkeshwar Singh R/V- Raghu Bigha, P.S-
Daudnagar, Dist- Aurangabad Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chintamani Kumari Wife of Lavkush Kumar, D/o Raj Nandan Singh R/V-
Uchhkundha, P.O- Chchadi, P.S- Daudnagar, Dist- Aurangabad, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Chandna, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-05-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 520 of 2022, registered for the offences punishable under Section 376 of the Indian Penal Code and Section 04 of the POCSO Act.

The allegation is regarding the petitioner herein having allured the victim girl on the pretext of marriage, whereafter he is stated to have established physical relationship with the victim girl and then he had refused to marry her.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has married the victim girl on 16.01.2023 and they are staying together as husband and wife and in fact the informant has also compromised the case with the petitioner and his family members, hence the petitioner be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that it is the categorical contention of the learned counsel for the petitioner that the petitioner and the victim girl are leading a happy conjugal life,



though, I deem it fit and appropriate to direct for admitting the petitioner herein to the privilege of anticipatory bail, however, subject to the learned Court of Special Exclusive Judge (POCSO), Aurangabad, Bihar in connection with Daudnagar P.S. Case No. 520 of 2022, verifying the fact as to whether the petitioner and the victim girl have solemnized marriage and are leading a happy conjugal life or not, and for that purpose the victim girl shall be called by the learned trial court and her statement shall be recorded, and only after being fully satisfied, the learned Trial Court shall release the petitioner on bail, subject to such other conditions as may be deemed fit and proper to be imposed.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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