

Arising Out of PS. Case No.-718 Year-2021 Thana- BRAHMPUR District- Buxar

... .. Petitioner/s

Versus

... .. Opposite Party/s

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| For the Petitioner/s     | : | Mr. Akhilesh Kumar Pandey, Advocate |
| For the Informant/s      | : | Mr. Chhote Lal Mishra, Advocate     |
| For the Opposite Party/s | : | Mr. Surendra Prasad Singh, APP      |

2      22-05-2023      1.      Heard learned counsel for the petitioner,  
learned counsel for the Informant and learned APP for the State.

2.      Petitioner seeks regular bail in connection  
with POCSO Case No.18 of 2023 arising out of Brahmpur P.S.  
Case No.718 of 2021 dated 24.11.2021 registered for the  
offence(s) punishable under Section(s) 363 and 366 of the  
Indian Penal Code and Section(s) 8 and 12 of the POCSO Act.

3.      The main submissions advanced by the  
learned counsel for the petitioner are that the petitioner has fair  
and clean antecedent and has been languishing in jail since  
28.10.2022 and the so-called victim has recorded her statement  
under Section 164 Cr.P.C. in which she denied the allegations  
levelled against the petitioner in the FIR and the trial of the



petitioner has started and the said victim has been examined as PW-1 and her deposition's copy has been filed as Annexure-2 which shows that no offence was committed with the victim girl by this petitioner and petitioner and victim girl are absolutely major and they love each other and they have solemnized marriage at Buxar and thereafter started to reside as husband and wife.

4. Learned counsel appearing for the Informant vehemently opposes the bail prayer of the petitioner and submits that victim is a minor girl, the charge has been framed upon this petitioner under Section 376 of IPC and there is serious allegation against the petitioner.

5. Considering the facts and circumstances of this case and mainly the victim's evidence whose deposition's copy has been filed as Annexure-2 which goes against the allegations levelled against this petitioner in the FIR and also the facts that the petitioner has fair and clean antecedent and his trial has started and the most important witness of the prosecution who is the victim herself, has been examined and two other witnesses have also been examined as per informant's counsel's submission and there is no allegation of tampering with the evidence or witness by this petitioner till date, in the



opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail in connection with POCSO Case No.18 of 2023 arising out of Brahmpur P.S. Case No.718 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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