

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36096 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- KALYANPUR District- East Champaran

JULUM KUMAR @ GUDUK PASWAN S/O NAND KISHOR PASWAN
R/O Village- Govinda Pur, P.S- Kalyan Pur, Distt.- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kindu Kumari D/O Harendra Paswan R/O Village- Govinda Pur, P.S- Kalyan Pur, Distt.- East Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary,APP
For the Informant	:	Mr. Pravin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-08-2023 Heard learned counsel for the petitioner, learned counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 21.04.2023 in connection with Kalyanpur P.S. Case No. 134 of 2023, F.I.R. dated 20.04.2023 registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 4/6/8 of the POCSO Act.

3. Allegation against the petitioner is that he established physical relationship with the informant on the pretext of marriage since last October 2022 due to which she became pregnant.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that in fact the petitioner was in love with the victim and they have performed the marriage and she is living with the family members of the petitioner and the petitioner is in custody since 21.04.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional District and Sessions Judge-cum-Special Judge POCSO Act, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 134 of 2023, with the following conditions:-

(I) One of the bailors should be the victim, namely, Kindu Kumari @ Bindu Kumari.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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