

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42821 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

MANTU KUMAR S/O MOTI BIND @ MOTI VIND R/O VILLAGE-
SIKTHI, PS. BHABUA, DIST. KAIMUR (BHABUA)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KUSUM KUMARI D/O NIRANJAN BIND, W/O MANTU KUMAR AT
PRESENT RESIDENT OF VILLAGE- SIKTHI, PS. BHABUA, DIST.
KAIMUR (BHABUA)

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40964 of 2023

Arising Out of PS. Case No.-128 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

VIKASH KUMAR S/O DIPAN PRASAD @ DIPAN BIND R/O VILLAGE-
SIKATHI PS. BHABUA, DIST. KAIMUR AT BHABUA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42821 of 2023)

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

For the Informant : Mr. Rakesh Mohan Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 40964 of 2023)

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-08-2023 **CRIMINAL MISCELLANEOUS No. 42821 of 2023**

1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case



registered for the offences punishable under Sections 366 and 376(D) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. The learned counsel for the informant at the outset submits that he has instruction not to oppose the anticipatory bail application of the petitioner, it is next submitted that petitioner and the victim have married and they are living happily.

4. Considering the submissions made by the learned counsel for the informant, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bhabhua P.S. Case No. 128 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 40964 of 2023

1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case



registered for the offences punishable under Sections Sections 366 and 376(D) of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. Learned counsel for the petitioner submits that Mantu Kumar has moved before this Court *vide* Cr. Misc. No. 42821 of 2023 seeking anticipatory bail and the same was allowed by order dated 17.08.2023 on the ground that the learned counsel for the informant has not opposed his anticipatory bail application on the ground that Mantu and the victim were married. It is next submitted that in the present case statement recorded under Section 164 Cr.P.C. of the victim was also called for, it is further submitted that the victim has not supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C.

4. The learned A.P.P. for the State opposes the bail application of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) with two sureties of the like amount each to the



satisfaction of the learned trial court where the case is pending/successor court in connection with Bhabhua P.S. Case No. 128 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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