

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69336 of 2022

Arising Out of PS. Case No.-245 Year-2022 Thana- PARSA District- Saran

Munna Kumar @ Munna Son of Matan Rai @ Hira Rai R/V- Bhalwahiya,
P.S- Parsa, Dist- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX Wife of Munna Kumar, D/o Shyambabu Rai R/V- Basahi, P.S- Dariyapur, Dist- Saran at chapra at present Village- Bhalwahiya, P.S- Parsa, Dist- Saran at chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Atul Shankar, Adv.
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP.
For the Informant/s	:	Mr. Sanjay Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-03-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

Petitioner seeks regular bail in connection with Parsa P.S. Case No. 245 of 2022 registered for the offences punishable under Sections 376 and 366(A) of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

As per the prosecution, the informant (victim) alleged that this petitioner established physical relationship with her



several times on false pretext of marriage. It is further alleged that on 26.09.2022, the informant fled away with this petitioner and later she was recovered from the house of this petitioner, thereafter a Panchayti was held, in which the petitioner denied to marry the informant.

The main submissions advanced by petitioner's counsel are that the age of the victim has been wrongly mentioned as 15 years in the FIR but in actual, she is aged about 18 years and according to medical expert's opinion, her age is between 18 to 20 years and the said victim in her statement recorded under Section 164 of Cr.P.C., did not make the allegation that the alleged physical relationship was forcefully made by this petitioner with her and the FIR clearly goes to show that the victim was a consenting party to the alleged physical relationship and in the present time, the victim and the petitioner have solemnized marriage and they are leading a conjugal relationship and in this regard, the order impugned may also be perused.

Learned APP appearing for the State as well as learned counsel appearing for the informant have accepted the above-mentioned submission of petitioner's counsel regarding matrimonial relationship between the petitioner and the so-called victim.



Considering the above submissions and mainly the petitioner's custody period and his fair and clean antecedent mentioned in the petition, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail 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 in connection with Parsa P.S. Case No. 245 of 2022.

(Shailendra Singh, J)

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