

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73027 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- SHAMBHUGANJ District- Banka

1. SURENDRA KUMAR DAS S/O Yogendra Das R/O Village- Kamalpur, P.S- Barahat, District- Banka
2. Yogendra Das S/O Late Puran Das R/O Village- Kamalpur, P.S- Barahat, District- Banka

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioners and the State.

Petitioners in the present case are seeking pre-arrest bail in connection with Shambhuganj P.S. Case No. 126 of 2022 registered for the offences under Sections 9, 10, 11 of Prevention of Child Marriage Act and 12 of POCSO Act.

Learned counsel for the petitioners submits that the petitioner no. 1 is the bridegroom and petitioner no. 2 is his father, both of them are being prosecuted for indulging in a child marriage. It is alleged that the petitioner no. 1 was married to a girl aged about 15 years only which was brought to the notice of the Block Development Officer at Shambhuganj Police Station whereupon the present case has been filed.



Learned counsel for the petitioners submits that so far as petitioner no. 2 is concerned, he is the father of the petitioner no. 1 and had no role to play in the alleged marriage and so far as petitioner no. 1 is concerned, it is submitted that the petitioner no. 1 was not aware of the correct age of the girl with whom he was to marry.

Having regard to the facts and circumstances of the case, considering that petitioner no. 2 is the father and no specific role of petitioner no. 2 has been alleged, this Court directs release of the petitioner no. 2 namely Yogendra Das on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Shambhuganj P.S. Case No. 126 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Spl. Judge, POCSO, Banka, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner No. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. 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.

So far as petitioner no. 1 is concerned, if he surrenders and prays for regular bail within a period of six weeks from today, his regular bail shall be considered on its own merit without being prejudiced by the rejection of this anticipatory bail application of the petitioner no. 1 by this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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