

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.468 of 2023**

Arising Out of PS. Case No.-459 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

=====

ALOK KUMAR Son of Gautam Ram R/v- Bishnupur Chandani Chowk,  
Ward No. 42, P.S.- Town, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

|                          |                                 |
|--------------------------|---------------------------------|
| For the Petitioner/s     | : Mr. Binod Kumar, Adv.         |
| For the Opposite Party/s | : Mr. Suresh Prasad Singh, APP. |
| For the Informant/s      | : Mr. Ashok Kumar, Adv.         |

=====

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      28-02-2023                      Let the defects, if any, pointed out by the office be removed within three 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 and the learned APP for the State.

Petitioner seeks regular bail in connection with Town (Begusarai) P.S. Case No. 459 of 2022 registered for the offences punishable under Section 376/34 of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

As per the prosecution, the informant (victim) alleged that the petitioner took her to his house on the pretext of marriage when she had gone to college to collect her mark-sheet



and thereafter forced her to marry him with the help of his family members and kept her at different places for about thirty-five days. It is further alleged that the petitioner forcefully established physical relationship with the informant and finally assaulted and ousted her from his house.

The main submissions advanced by petitioner's counsel are that the date of occurrence is 25.06.2022 but the FIR was lodged on 01.08.2022 after delay of thirty-five days, in fact the mother of the victim made a proposal before the father of this petitioner for marriage of the victim with this petitioner which was refused by the petitioner's father and thereafter with an intention to create pressure upon the family members of the petitioner the instant case was falsely lodged and while recording her statement under Section 164 of Cr.P.C. the victim disclosed her age as eighteen years and the concerned Magistrate also assessed her age as nineteen years and the victim girl was examined by a competent Medical Board which assessed her age as twenty years and no injury was found on any part of the body of the victim by the Medical Board and the investigation has been completed and the petitioner has been languishing in jail since 02.08.2022.

Learned counsel appearing for the informant as well



as learned APP appearing for the State have vehemently opposed the bail prayer and submitted that the petitioner has criminal antecedent of three cases and the victim is a minor girl and the cognizance under Sections 4 and 6 of POCSO Act has also been taken by the trial Court and the petitioner forcefully established sexual relationship with the victim and kept her at various places and physically exploited her for some months.

Considering the aforesaid facts and mainly the petitioner's young age as mentioned in his petition and his custody period, this Court is inclined to accept his bail prayer. 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 Town (Begusarai) P.S. Case No. 459 of 2022.

**(Shailendra Singh, J)**

annu/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

