

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30933 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- MAHILA PS District- Gaya

Nitin Kumar @ Bittu Son of Awdhesh Singh Resident of Village - Bhaluar,
P.S. - Bankey Bazar, District - Gaya

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Mushkan Kumari Daughter of Late Ajit Singh Resident of Village -
Postmortem Road, Nawada, P.S. - Nawada, District - Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 03-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Gaya Mahila P.S. Case No. 91 of 2023,
registered for the offences punishable under Sections 376, 341,
323, 504 and 506 of the Indian Penal Code and Sections 4 and 6
of POCSO Act.

3. As per allegation, the petitioner forcibly
performed marriage and also established physical relationship
with the informant. It is also alleged that the petitioner abused
and assaulted the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. He has submitted that as per Aadhar card, the date of birth of the victim is 15.04.2004 which shows that on the date of occurrence, she was major. As a matter of fact, she had love and affection with the petitioner. It has also been submitted that prior to the present case, the victim has lodged a similar case against one Nitish Kumar, son of Vinod Singh, in which Nitish Kumar was put on trial in POCSO Case No. 28 of 2022 and the Special Judge, POCSO-cum-6th Additional Sessions Judge, Nawada vide judgment and order dated 15th March 2023, acquitted Nitish Kumar which shows that the victim is in the habit of filing cases against the innocent persons. He is under custody since 28.12.2023.

5. On the other hand, Mr. J.N. Thakur, learned APP has opposed the prayer for bail by submitting that the victim in her statement recorded under Section 164 of the Cr.P.C has supported the occurrence. The material available on the record shows that the victim has already filed a case with similar allegation against one, Nitish Kumar who has been acquitted of the charges by the POCSO Court. At the time of hearing, xerox copy of the Aadhar Card of the victim has been produced which shows that on the date of occurrence, the victim was major.



6. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Court-cum-Additional District and Sessions Judge, VI, Gaya in connection with Gaya Mahila P.S. Case No. 91 of 2023 with condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

priyanka/AKV

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