

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29054 of 2024

Arising Out of PS. Case No.-366 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Kanhaiya Kumar Son Of Haridwar Ram R/V- Bhairapur Ps -Bhagwanpur
Distt -Kaimur (Bhabua)

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Victim D/O- Sunil Ram , S/O- Radheshayam Ram Resident Of Village-
Mohania Ward No. 1 Po And Ps- Mohania, Dist- Kaimur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra

For the Opposite Party/s : Mr. Ajit Kumar

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

ORAL ORDER

6 19-09-2024 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 Bhagwanpur P.S. Case No. 366 of 2023,
registered for the offences punishable under Sections 376, 504,
506, 34 of the Indian Penal Code and Sections 4 and 6 of the
POCSO Act.

3. As per allegation, at the pretext of marriage, the
petitioner established physical relationship with the victim. In
the meantime, on 22.06.2023, both the victim and petitioner
were apprehended by the police in objectionable position.
Thereafter, the parents of both (victim and the petitioner)



decided to get their marriage solemnized when they attain majority. After attaining majority, when the victim along with her father went to the house of the petitioner with proposal of marriage, the petitioner and others assaulted and threatened to kill and even refused to solemnize the said marriage.

4. The learned counsel for the petitioner submits that at the time of occurrence the victim was technically minor but she was on the verge of majority. The relations between the petitioner and the victim was consensual. They were apprehended by the police in objectionable position. As a matter of fact, the members of the informant side wanted to marriage the victim with the petitioner which he denied, it was reasoned for lodging of the F.I.R. He further submits that the petitioner is under custody since 20.02.2024.

5. On the other hand, learned counsel for the informant opposes the prayer for bail submitting that the petitioner at the time of marriage to sexual assault to show he does not deserve privilege of bail. It has also been submitted that the trial is going on and witnesses are being examined.

6. Considering the aforesaid facts and circumstances, the learned court below is directed to conclude the trial within a period of six months, failing which, the petitioner is at liberty to



renew his prayer for bail.

7. With the aforesaid observations and directions, this application is disposed of.

(Nawneet Kumar Pandey, J)

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