

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53999 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- MAHILA PS District- Aurangabad

Dilip Kumar Son of Late Sonalika Ram R/O Vill.- Gira, P.s.- Obra, Dist.-
Aurangabad, Bihar

... .. Petitioner

Versus

1. The State Of Bihar
2. Ram Lakhan Ram Son of Late Rambriksha Ram R/O Vill.- Chand Khap,
P.S.- Risiup, Dist.- Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, Patna

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Mahila P.S. Case No. 62 of 2023, registered for the alleged offence under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code and Section 4 of the POCSO Act.

03. As per prosecution case, petitioner established physical relationship with minor daughter of the informant giving inducement of marriage and later on he refused to marry her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The present case has been lodged by the informant with intention to pressurize the petitioner to marry with his daughter



otherwise, no offences under any provisions as mentioned in the FIR are made out against the petitioner. Learned counsel further submits that the sister of the petitioner is married to the cousin of the victim girl. Learned counsel further submits that now the petitioner, who is aged about 22 years, has solemnized marriage with the victim on 14.06.2024 and the document about the marriage has been prepared, a copy of which has been placed on record. The victim girl has been staying in her matrimonial home. The petitioner is in custody since 19.06.2024. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that since the victim is minor, subsequent marriage is immaterial for an offence under the POCSO Act.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the petitioner and relationship of the parties and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Aurangabad in connection with Mahila P.S. Case No. 62 of 2023, subject to the



conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

