

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54753 of 2024

Arising Out of PS. Case No.-130 Year-2023 Thana- SARE District- Nalanda

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Dipu Kumar Son Of Tanik Ram @ Damru Singh Village- Chandi Bridawan,
Ps- Sheikhpura, Dist- Sheikhpura At P/A- Jana, Ps- Sare, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhano Devi Wife Of Jamun Kewat Village- Jana, Ps- Sare, Dist- Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Ms. Mariya Nazir, Adv.
For the Opposite Party/s :	Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-08-2024 Heard Ms. Mariya Nazir, learned Advocate for the

petitioner and Mr. M. K. Nirala, learned Additional Public

Prosecutor for the State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with POCSO Case
No.13 of 2024 arising out of Sare P.S. Case No. 130 of 2023,
registered for the offences punishable under Sections 4/6 of the
POCSO Act and later on Sections 366A and 376 of the Indian
Penal Code were also added.

3. Based upon the written report, the prosecution
alleges that the daughter of the informant was enticed away by
the petitioner for the purposes of marriage.

4. Learned Advocate for the petitioner contended that



the FIR clearly suggests that all the family members have been made accused in this case knowing very well that the petitioner and the victim were in good relationship. It is next contended that in fact the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein no allegation has been levelled that the petitioner has ever enticed or used force rather the statement of the victim clearly suggests that she voluntarily left her house and subsequent thereto she solemnized marriage with the petitioner. The medical report also suggests her age to be 19-20 years. The petitioner and the victim were major and as such their love affairs resulted into solemnization of marriage. It is further contended that now the trial progressed and the victim as well as the informant were examined by the Trial Court wherein the victim has categorically deposed that she voluntarily left her house and later on solemnized marriage. The age of the victim has also been disclosed as 20-21 years. The entire prosecution case has been denied by the victim. Similarly, the informant has also not supported the prosecution case and with regard to the date of birth of the girl, no evidence has been produced. It is lastly contended that the petitioner is a man of fair antecedent and now he has been incarcerated since 23.01.2024.



5. On the other hand, learned APP for the State opposes the bail application and submits that the complicity of the petitioner cannot be denied and the FIR clearly suggests that the victim was minor on the date when occurrence took place.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the victim as well as the informant marked as Annexure-P/3 series, coupled with the medical report suggesting the age of the victim as 19-20 years, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VII-cum-Special Judge, POCSO, Biharsharif, Nalanda in connection with POCSO Case No.13 of 2024 arising out of Sare P.S. Case No. 130 of 2023, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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