

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62333 of 2024

Arising Out of PS. Case No.-417 Year-2022 Thana- BELHAR District- Banka

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Pintu Kumar Tanti son of Pradeep Tanti R/o village Dumarhar, P.S. -Belhar,
Dist.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. sarojani Devi wife of sunil Tanti R/o village- Dumarhar, P.S. -Belhar, Dist.-
Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Belhar P.S. Case No. 417 of 2022 dated 02.11.2022 registered for the offences punishable under Sections 147, 341, 323, 199, 504, 364 and 376 of the Indian Penal Code but cognizance of offences has been taken under Sections 366 and 376 of the I.P.C. and Section 4 of POCSO Act and Section 9 of Prohibition of Child Marriage Act.

3. As per the prosecution case, the informant's daughter went to Bahiyar for grazing her goats and in the meantime, the petitioner and the co-accused persons came there



and took the informant's daughter to a lonely place forcefully and thereafter they abused and assaulted her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is love affair between the petitioner and the victim. The charge-sheet has already been submitted against the petitioner. The occurrence took place on 23.03.2022 but the FIR was lodged on 22.04.2022 and there is no explanation for this delay. As per Annexure-4, the victim has stated in her Examination-in-Chief that the incident took place two years ago. She went to Delhi to meet Pintu. She had been knowing Pintu for two years and in cross-examination she has stated that her parents had pressurized her to marry with another person but she did not like him due to which she went to Delhi and solemnized marriage with the petitioner with her own sweet will. The petitioner never pressured or tempted her in anyway. She has also stated that the petitioner established physical relationship with her consent. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 17.12.2022.

5. Learned A.P.P. for the State has opposed the bail



petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Banka in connection with Belhar P.S. Case No. 417 of 2022, with the condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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