

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62976 of 2024

Arising Out of PS. Case No.-332 Year-2023 Thana- DESARI District- Vaishali

Rahul Kumar, S/o Late Mithun Paswan, R/o Village- Azampur, P.S.- Desari,
Chandpura O.P., District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vijay Kumar Singh, S/o Fudena Singh, R/o Village- Azampur, P.S.- Desari,
Chandpura O.P., District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dharmendra Kumar Paswan, Advocate Mr. Amar Kumar, Advocate Ms. Deepshikha, Advocate
For the State	:	Mr.Anand Kishore Choudhary, APP
For O.P.No.2	:	Ms. Supriya Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 29-11-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Desari (Chandpura OP) P.S. Case No. 332 of 2023, registered for the alleged offences under Section 376 of the Indian Penal Code and Section 4 of of POCSO Act.

3. As per prosecution case, the petitioner made sexual relationship with the minor daughter of the informant and she became pregnant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner and the informant are residents of the same



village and no complaint was made by the informant just after the occurrence and it shows the consensual nature of act. The informant is not minor and she has already crossed the age of 18 years. Moreover, if there has been any rape or forcible sexual intercourse, the informant could have lodged the FIR immediately or told her family members, but there is no such thing in the present case. From the FIR, it is apparent that the informant was having affair with the petitioner for long time and she met him in the backyard of her own house. The learned counsel further submits that thereafter, further development has been taken place and the petitioner and the informant have solemnized marriage and they are living together and the informant gave birth to a girl child. All the facts go on to show that the present case has been lodged under misunderstanding and the petitioner has been falsely implicated. The petitioner is in custody since 10.06.2024 and is having clean antecedent. The charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf the petitioner. However, learned counsel appearing on behalf of the informant/opposite party no.2 submits that he has no objection to grant of bail to the petitioner since the petitioner and the informant have solemnized marriage and they are leading their life together.



6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner coupled with the age of the informant and her marital status and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Vaishali at Hajipur, in connection with Desari (Chandpura OP) P.S. Case No. 332 of 2023, subject to 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 on 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)

V.K.Pandey/-

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