

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66006 of 2024

Arising Out of PS. Case No.-842 Year-2020 Thana- SUPAUL District- Supaul

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Md. Kamrul Son of Md. Alim Resident of Village- Maricha, P.S.+District-
Supaul. Petitioner/s

Versus

1. The State of Bihar
2. Md. Mahtab Alam, Son of Late Md. Kalimuddin, Resident of Village-
Maricha, P.O.- Bakaur *via* Sukhpur, P.S. + District-Supaul
... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amardeep, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-10-2024 Heard Mr. Amardeep, learned counsel appearing on
behalf of the petitioner and Mr. Syed Ehteshamuddin, learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Supaul P.S. Case No. of 842 of 2020 registered for offences
punishable under Sections 341, 342, 376, 511, 504, 506 and 34
of the Indian Penal Code and Sections 4/18 of the POCSO Act.

3. As per the allegation made in the FIR, the
informant has alleged that the petitioner had allured his minor
daughter with an intention to commit wrong with her.



4. Learned counsel appearing on behalf of the petitioner submitted that from the impugned order it would appear that the statement of the victim has been recorded under Section 164 of Code of Criminal Procedure, in which she has not supported the factum of the allegation made against the petitioner in the FIR. As such, the petitioner has not committed any wrong with the minor daughter of the informant. As per the medical examination report of the victim, she has been assessed to be 17 to 19 years old by the Medical Board and as per the School Leaving Certificate, the Date of Birth of the victim is 28.01.2005. Subsequently, the petitioner, after attaining the age of majority, has married with the victim without any protest from the family members.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that age of the victim has been recorded by the Medical Board, which has been assessed to be 17 to 19 years and there is no specific allegation against the petitioner of committing wrong with the victim and subsequently the victim and the petitioner got married with each other and they have also been blessed with three children, which



would appear from the statement made in paragraph no.12 of the bail application. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VI-cum- Special Judge, POCSO Act, Supaul in connection with Supaul P.S. Case No. of 842 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in



paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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