

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3665 of 2024

Arising Out of PS. Case No.-300 Year-2023 Thana- DAGARUA District- Purnia

Rais @ Md. Rais Son Of Late Jharu Resident Of Village - Tauli, Police
Station - Dagarua, District – Purnea.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 376, 354, 498A, 341,
323, 504, 506 of the Indian Penal Code and Section 4 of the
POCSO Act.

3. According to prosecution case, about 8 months ago
of filing present complaint, the petitioner has committed rape
upon the victim girl forcibly thereafter, he continued committing
rape with her at instance of doing marriage with her. When
victim became pregnant then under pressure of Panchayat, the
petitioner done marriage with the victim. After birth of baby
girl, all accused persons demanded motorcycle, cash and other
articles as dowry otherwise she would be killed. On 12.06.2023,



all accused persons ousted the victim after assaulting her.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. He submitted according to prosecution case, in support of minority of victim girl, her birth certificate has been produced by the informant but during course of investigation, I.O. made an enquiry with regard to genuinity of birth certificate of victim then found that Rajkiya Medical College-cum-Sadar Hospital, Purnea has not issued said birth certificate as such claim of the informant with regard to minority of the victim could not claimed. It is a matter of fact that there was love affair between the petitioner and victim girl after interference of local administration, marriage between was done as per term of agreement that there was demand of father of victim that 5 Decimal land should be registered in the name of victim girl. In this regard the petitioner has registered 5 Decimal land in favour of the victim girl vide registration Sale Deed No. 9170 dated 15.09.2022. The petitioner neither committed rape with the daughter of the complainant/informant nor he demanded dowry as mentioned in the F.I.R. It is next submitted after marriage, the victim girl came to the house of petitioner where she lived properly for some days and thereafter,



on instigation of her parents, she started quarelling with the petitioner and his family members. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 26.11.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th-cum-Special Judge (POCSO), Purnea in connection with Dagarua P.S. Case No. 300 of 2023.

(Sunil Kumar Panwar, J)

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