

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62106 of 2024

Arising Out of PS. Case No.-98 Year-2022 Thana- MOKAMAH District- Patna

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Saurabh Kumar @ Saurav Kumar Son of Manoj Paswan Resident of Village-
Mor, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sujit Kumar Son of late Sarovar Paswan R/O Vill.- Mor, P.S- Mokama,
Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Arun, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-02-2025 Heard Mr. Arun Kumar Arun, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned APP

2. The petitioner is in custody in connection with
Mokama P.S. Case No. 98 of 2022 for the offence punishable
under sections 366(A)/34 of the Indian Penal Code and Sections
363/365 of the I.P.C. and Sections 17/18 of the POCSO Act
were added later on, lodged on 09.04.2022 by the informant,
Sujit Kumar.

3. As per the prosecution story, the brother of the
victim has lodged the FIR alleging that his minor sister has been
taken away by the petitioner with the support of his family
members on 07.04.2022. When they failed to locate her, the
brother went to the house of the petitioner and came to know
that he has gone to Mokama Station. Later, he had a talk with



the petitioner who informed that they are not going to return which followed the FIR.

4. On the last occasion, 10.01.2025, learned counsel for the petitioner had informed that contrary to the allegation, both were in relationship, with consent, solemnized the marriage, she is not fourteen years rather her date of birth being 11.08.2003 and as such, she was nineteen years at the time she decided to marry the petitioner. In fact, it is the victim's family member who are repeatedly threatening them of dire consequences.

5. Pursuant to the said submission that they have solemnized marriage and are now blessed with a child, on 10.01.2025, interim protection was extended to the petitioner and the victim was directed to remain present in the Court alongwith her Aadhaar Card.

6. Pursuant thereto, the victim is present in the Court with her child in her lap. The Aadhaar Card no. XXXX 3985 XXXX provided by her records her name as Varsha Kumari D/O Sarovar Paswan, Address- Mor Paschmi (in Mokameh), Patna, Bihar with her date of birth recorded as 11.08.2003.

7. Let the same be kept on record.

8. Mr. Bharat Bhushan, learned APP though opposes



the prayer concede that now the couple is blessed with the child and in the interest of justice, it would not be appropriate to send him to judicial custody.

9. Taking into account the aforesaid facts, as recorded above, the FIR is there, he will be facing the music, whether the victim girl is minor or major, it will be decided before the trial Court, for the present, this Court has made conversation with the girl and according to her, she on her own left the place, solemnized marriage with the petitioner and are now blessed with the child, in that background, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, in connection with Mokama P.S. Case No. 98 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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