

this fact to the parents that she is interested in solemnization of marriage with the petitioner, which was not acceptable to the parents of the victim, as such, the FIR has been lodged but in the statement recorded under Section 164 Cr.P.C., victim has not whispered a single word against the petitioner.

Learned counsel for the petitioner has further submitted that no offence under Section 4/6 of the POCSO Act is made out as there is no such allegation made by the victim in her statement recorded under Section 164 Cr.P.C.

Learned counsel for the petitioner has further submitted that petitioner undertakes to solemnize marriage with the victim after she attains majority and till then petitioner will not solemnize marriage with any other girl, if the victim is ready after attaining the majority and the petitioner is duty bound to solemnize marriage with her.

Learned counsel for the State has opposed the prayer for bail and has submitted that admittedly the victim is a minor girl and as per the informant she is 12 years and 6 months, as per the learned Magistrate she is 13 years and as per the victim, she is 14 and ½ years, as such, a minor girl has been taken by the petitioner and solemnized marriage, as such, he is not entitled for regular bail.

After hearing, learned counsel for the parties and perusing the materials brought on record and looking into the fact and material, it appears that in the statement recorded under Section 164 Cr.P.C., victim has not alleged anything against the petitioner rather she called the petitioner and thereafter went to the temple and solemnized marriage with the petitioner, as such, this Court is inclined to grant Bail to the petitioner, as such, petitioner (Anil Hansda @ Kole), is directed to be released 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- IIIrd, Deoghar in connection with Budhai Case No.39 of 2020, corresponding to POCSO Case No.34 of 2020 on the following conditions:-

(i) One of the bailors shall be deponent/parivikar of the present case namely, Ranjan Tudu, S/o Adhanu Tudu, R/o Village- Koldi, Karogram, P.O.& P.S.- Budhai, District- Deoghar, who has furnished photocopy of his UID Card bearing No.4705 2775 3139 before this Court in the bail application.

Office is directed to send photo copy of the UID Card bearing No. 4705 2775 3139 of deponent along with this order to the court below so as to

verify the authenticity of the bailor.

(ii) Another bailor shall be father/mother/son/sister/brother.

(iii) Petitioner will file an undertaking before the court below that after attaining the majority by the victim, petitioner will accept her as his wife if victim has no objection. Petitioner will not solemnize any marriage with any other girl till victim attains majority and refused to marry with this petitioner.

(iv) The Jail Authority shall release the petitioner only after his medical check-up.

(v) The Civil Surgeon, Deoghar is directed to medically examine the petitioner at the time of his release and if require, petitioner shall be taken for quarantine, but if no such requirement is there, he shall be released forthwith, if not wanted in any other case.

(vi) Petitioner shall also comply with all the guidelines issued by the Government to meet the challenges of Covid-19, as the country is passing through Pandemic of Covid-19.

(Kailash Prasad Deo, J.)