

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6413 of 2020

Arising Out of PS. Case No.-334 Year-2019 Thana- AMARPUR District- Banka

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SOURAV KUMAR Son of Dilip Singh Resident of Chhoti Kaitha, P.S.-
Fulidumar, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP
For the Informant : Mr. Rajeev Ranjan Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 08-06-2020 The petitioner seeks bail in connection with

Amarpur / Fulidumar P. S. Case No. 334 of 2019 dated

10.07.2019 instituted for the offences under Sections

363, 366(A) and 34 of the Indian Penal Code and

Section 8 of POCSO Act, 2012.

The minor daughter of the informant was

allegedly taken away from his house by the petitioner for



the purposes of marrying her.

It appears from the records of this case that the daughter of the informant was released in favour of the mother of the petitioner on her statement that she has married the petitioner. However, such order did not find favour with the learned Additional District & Sessions Judge, Banka, who directed for production of the girl / daughter of the informant in the Court.

Learned counsel for the petitioner has submitted that thereafter the daughter of the informant was directed to be released in favour of the mother of the petitioner and as on date the daughter of the informant is residing in the house of the petitioner.

The prayer for bail of the petitioner was earlier rejected on the ground that the Chief Judicial Magistrate wrongly released the minor daughter of the informant in favour of the mother of the petitioner even though there was an allegation on the informant and an assertion of the girl that the petitioner had married her. Though the



certificate age of the daughter of the informant is 15 years but the court below has assessed her age between 17 to 18 years.

The daughter of the informant has alleged that the informant is his step-father and she does not wish to go to her parental home; rather, she wishes to reside in the house of the petitioner.

The petitioner is stated to be in custody since 11.07.2019.

Considering these aspects of the matter, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Amarpur / Fulidumar P. S. Case No. 334 of 2019.

While granting bail, the court below shall verify the statement made by the counsel for the petitioner before this Court that the daughter of the informant was



released in favour of the mother of the petitioner and if such information provided to this Court is found to be correct, then only the petitioner shall be released on bail.

The petition stands allowed accordingly.

(Ashutosh Kumar, J)

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