

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12445 of 2020

Arising Out of PS. Case No.-20 Year-2018 Thana- SAHIYARA District- Sitamarhi

LADDU @ ASLAM S/o Salim Nadaf R/o village- Yogivana, P.S.- Bathnaha,
Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Pushpa Sinha APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Sahiyara P.S. case No. 20 of 2018 instituted for the offence under Sections 363, 366A and 372 of the IPC and Section 4/6 of the POCSO Act.

The prosecution case, as per the First Information Report, is that informant's 12 years old daughter was missing after she



went to school. The informant tried to ascertain her whereabouts but the girl could not be traced. She has lodged the F.I.R., alleging that her minor daughter has been kidnapped for purpose of marriage and immoral trafficking. The petitioner has subsequently been implicated in the instant case since the victim has been recovered while she was with the petitioner.

Petitioner's counsel submits that having no criminal antecedents he has falsely been implicated in the instant case. He is in custody since 03.12.2019. The age of the victim girl has falsely been stated in the FIR. Same is apparent from the statement of the victim which is to be found in paragraph nos. 55 and 62 of the case diary, wherein, there is a stark variance in the age of the victim girl. In fact, from the statements recorded in para 55 of the case diary, it is apparent that for five months the victim was moving from one place to the other, inter State, with the petitioner, however, no objection was made. It is a case of love affair and the victim and the petitioner have solemnized marriage which is apparent from the compromise petition dated 15.04.2019 which is filed in the Anticipatory bail application of the petitioner..

The learned counsel for the State has opposed the prayer for bail by submitting that as per the age of the victim girl



stated in the First Information Report she was a minor.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the **1st ADJ cum Special Judge (POCSO Act), Sitamarhi**, in connection with **Sahiyara P.S. Case no. 20 of 2018**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID 19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.



The petitioner must comply with the requirements of furnishing bail bonds, and conditions in terms of this order within 4 weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned **1st ADJ cum Special Judge (POCSO Act), Sitamarhi**, and the competent authority of the State in terms of clause (4) of Notice I published in the Cause list uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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