

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17455 of 2020**

Arising Out of PS. Case No.-56 Year-2019 Thana- GALGALIYA District- Kishanganj

RITESH YADAV @ RITESH KUMAR Son of Sanjay Yadav Resident of
Dhibri, Ward No. 12, Krishnapuri, P.S.- Thakurganj, District- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 09-09-2020 Heard learned counsel for the petitioner and Mr. Ram
Sumiran Rai, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest
bail in connection with Galgalia P.S. Case No. 56/2019
registered for the offence under Section 354(A), 354(D), 506/34
of the Indian Penal Code and Section 12 of the POCSO Act.

Learned counsel for the petitioner submits that
although the F.I.R. has been registered under the various
provisions of the I.P.C. and Section 12 of the POCSO Act, from
the First Information Report and the materials collected in
course of investigation it would appear that it is nothing but a
case of love affair between two teenage boy and girl. It is further
submitted that in course of investigation it has come that the
date of birth of the victim girl is 24.02.2002, therefore on the



alleged date of occurrence the victim girl is aged about 17½ years and victim girl has though returned to her house, she has not presented herself for making statement before the police under Section 161 Cr.P.C. and then because the father of the victim girl is also not making her available to the investigating officer despite several efforts taken by the I.O., till date the victim girl has not been examined either under Section 161 or under Section 164 Cr.P.C. In fact the various paragraphs right from paragraph no. 69 to 102 and 106 of the case diary it has come that father of the victim girl is not allowing the I.O. to have a talk with the victim girl on mobile, therefore the submission is that in absence of any statement of the victim girl no prima-facie material is present to support the prosecution case.

It is submitted that even otherwise it will appear from the F.I.R. that the victim girl had been also willing to marry this petitioner and the mother of the victim girl had agreed for the same. The allegations that this petitioner had forcibly taken her on his bike is only a concocted story which is not the statement of the victim girl. The petitioner has otherwise no criminal antecedent.

Mr. Ram Sumiran Rai, learned A.P.P. for the State has



submitted that prima-facie on reading of the entire materials it appears that it is a case of love affair between the boy and the girl.

Having regard to the facts and circumstances of the case, the materials present in the case diary showing that the victim girl and the petitioner were perhaps in love affair and then the victim girl is with her parents, she has not presented herself for statement before the I.O. despite all efforts, the petitioner has otherwise no criminal antecedent, let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 1st Cum Special Judge, Kishanganj, in connection with Galgalia P.S. Case No. 56/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

