

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24713 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- JADIA District- Supaul

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Rustam Thakur, S/o Prabhu Thakur, Resident of Village-Jadiya, P.S.-Jadiya,
District-Supaul, State-Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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 connection with Jadia P.S. Case No.34 of 2020 corresponding to POCSO Case No.22 of 2020 registered for the offence punishable under Sections 363, 366(A), 120B/34 of the Indian Penal Code.

The allegation is that the daughter of the informant



has been taken away by 12 persons on a black coloured vehicle for the purpose of solemnizing marriage with the petitioner. The further allegation is that the girl was minor.

Petitioner's counsel draws the attention of the Court towards the statement of the victim girl recorded under Section 164 Cr.P.C. (Annexure 3). It is submitted that the same belies the entire prosecution case as she has stated that she had eloped with the petitioner. As per the medical examination of the victim (Annexure 2) her age has been ascertained to be 18-19 years. The petitioner is in custody since 25.05.2020.

Learned APP for the State has opposed the prayer for bail. It is submitted that from the educational certificate brought on record it appears that the age of the victim girl is less than 17 years. There is direct allegation against the petitioner.

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 learned Additional District & Sessions Judge-1st Cum Special Judge, Supaul, in connection with Jadia P.S. Case No.34 of 2020 corresponding to POCSO Case No.22 of 2020,



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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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