

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29204 of 2020**

Arising Out of PS. Case No.-653 Year-2017 Thana- BANKA District- Banka

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KANAHAY DAS @ AMRIT DAS S/o Bablu Das Residence of Village-
Kajhdya, P.S. and District-Banka.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 01-12-2020 Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Banka P.S. Case No. 653 of 2017 registered for the offences punishable under Sections 366A/34 of the Indian Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner submits as per the FIR the victim girl who was aged about 17 years had gone somewhere telling her parents that she was going to purchase some articles from a shop but she did not return. Later on the informant who is the father of the victim girl came to know that his daughter has been taken away by this petitioner for marrying her by alluring.

Learned counsel submits that the victim girl had gone on her own and she was in love affair with the petitioner and now she has solemnized marriage and is also living in her sasural. It is



submitted that in the nature and the circumstances now the parties have amicably resolved their disputes and both the families are not willing to go with the present case.

It is further submitted that in any case the petitioner has already remained in jail in connection with this case since 17.05.2020, investigation against him is complete and no purpose will be served by keeping him in jail when his appearance may be secured during the course of trial.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the nature of materials particularly when the victim girl is herself present before this Court through virtual mode from the Chamber of learned Advocate and has informed that she has solemnized marriage and is living in her Sasural and she has accepted this petitioner as her lawful husband and presently even after attaining majority, she does not allege allurement by her husband or kidnapping by him, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge I, Banka in connection with Banka P.S. Case No. 653 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(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'.

