

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85109 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- SHAHKUND District- Bhagalpur

Krishna Mohan Singh Son of Bharat Bhushan Singh Resident of Village-
Bakchappar, P.S.- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for regular bail has been filed
by the petitioner in connection with POCSO Case No. 62 of
2019 arising out of Shahkund P.S. Case No. 149 of 2019
registered for the offence punishable under sections 366A, 120B
and 34 of the Indian Penal Code and sections 4 and 6 of the
POCSO Act.

As per allegation in the FIR, minor daughter of the
informant is stated to have been kidnapped by the accused
persons including the petitioner herein with the intention of
marriage.

It is submitted by learned counsel for the petitioner
that the daughter of the informant returned and her statement
was recorded under section 164 Cr.P.C., a copy of which has
been brought on record. From perusal of the same, it would
transpire that she has categorically stated therein that as a result



of her friendship with the petitioner she went with him out of her own free-will and got married with him as per Hindu rites and customs. She further states that she had been living with the petitioner as husband and wife. It was later that she came to know that her mother had lodged a case against her husband and as such she came to the police station and has come to give this statement. It is further submitted by learned counsel for the petitioner that the daughter of the informant was medically examined and from the report of the Medical Officer brought on record as Annexure-3 it would transpire that her age was assessed between 17-19 years. He further points out that no injury was found on the body of the victim in the medical examination. It is further submitted that the petitioner is in custody since 12.9.2019.

It is submitted by learned counsel for the informant that the daughter of the informant is admittedly a minor. With respect to the assessment of age it is submitted that no medical board was constituted and the report is in utter violation of the provisions of the Juvenile Justice Act which gives primacy to the school certificate and municipal certificate. It is further submitted that in fact the report of the doctor is a fake document and it is under threat and coercion that she gave her statement under section 164 Cr.P.C. It is further submitted on behalf of the



informant that the petitioner has a criminal antecedent. He kidnapped the daughter of the informant who on the date of occurrence was a minor aged 15 years and 6 months. Thus it is submitted that even if she had consented, being a minor, the same is of no value in the eye of law.

The application for bail has been opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above including the statement of the daughter of the informant as recorded under section 164 Cr.P.C. together with assessment of her age being between 17-19 years, this Court is inclined to enlarge the petitioner on bail. Let the petitioner be enlarged on bail in connection with POCSO Case no. 62 of 2019 arising out of Shahkund P.S. Case no. 149 of 2019 on his furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge POCSO Act, Bhagalpur.

(Partha Sarthy, J)

Bibhash/-

U		T	
---	--	---	--

