

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.84460 of 2019**

Arising Out of PS. Case No.-146 Year-2019 Thana- MANIHARI District- Katihar

RIK DAS @ ARIK DAS Son of Prakash Chandra Das Resident of Village -  
Makan No. 69/3, Kalberta Para Lane, P.S.- Salkiya, Distt - Howrah (W.B.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

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

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

3      27-05-2020                      This application has been placed for consideration by  
  
the order of the Hon'ble the Chief Justice through virtual court  
  
proceeding.

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

The petitioner in this case is seeking regular bail in  
  
connection with Manihari P.S. Case No. 146 of 2019 registered  
  
for the offences punishable under Sections 363, 366A/34 of the  
  
Indian Penal Code and Section 8 of POCSO Act.

Learned counsel for the petitioner submits that as per  
  
allegations the petitioner had taken away the daughter of the  
  
informant by alluring her and taking benefit of her minority.

It is submitted that when the victim girl was recovered  
  
by the Police and was brought before the learned Judicial



Magistrate Ist Class to record her statement under Section 164 Cr.P.C., she has though stated that she was allured by the petitioner being a teacher of the school by giving a mobile phone and she had gone to the Station to meet the petitioner who took her to Kolkata and solemnized a marriage in Kali Mandir but in her statement under Section 164 Cr.P.C. the victim girl has not alleged that the petitioner made any physical sexual contact with the victim girl. It is submitted that as per her statement, the petitioner had connected her through mobile to her mother and there being no allegation of commission of any sexual act against the victim girl, the petitioner having remained in custody for one year since his arrest on 01.06.2019, he may be released on bail.

Learned APP for the State has opposed the prayer for regular bail of the petitioner as according to him the petitioner had allured the minor daughter of the informant and taken her to Kolkata where forcibly married.

Having heard learned counsel for the petitioner and learned APP for the State and upon taking into consideration the materials available on the record including the statement under Section 164 Cr.P.C. of the victim girl and the medical report and on finding that the victim girl has not alleged any



sexual act or attempt by the petitioner and the medical report does not suggest any such act and further that the petitioner has remained in custody for one year, the investigation is complete and there is no submission on behalf of the State that the release of the petitioner at this stage is likely to adversely affect the trial and/or interfere with the course of justice, this Court directs release of the petitioner above named on bail on furnishing of bail bonds o of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge Ist-cum-Special Judge, Katihar in connection with Manihari P.S. Case No. 146 of 2019, subject to the conditions as laid down under Section 437(3) of the 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, oft he 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 during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands disposed of.

**(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'.

