

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13085 of 2021

Arising Out of PS. Case No.-136 Year-2020 Thana- KUTUMBA District- Aurangabad

Chhotu Kumar @ Chhotu Kumar Paswan Son of Budhram Paswan, Resident of Village - Lahang Karma, P.S.- Tandwa, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2021

In view of sudden resurgence of COVID–19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Kutumba P.S. Case No. 136 of 2020 registered for offence punishable under section 366 (A) of the Indian Penal Code.

FIR has been lodged by the informant alleging that her minor daughter has been taken away by the instant petitioner



with the intention of solemnizing a marriage.

Learned counsel for the petitioner submits that falsity of the allegation is evident from the delay in lodging the FIR. FIR has been lodged after 21 days. The victim's statement under section 164 Cr. PC was recorded wherein she has stated that she had gone on her own volition with the instant petitioner. It is also submitted that the Medical Board has opined the age of victim between 18 to 20 years. The aforesaid facts belie the prosecution case against the petitioner. In fact, the victim has stated that she and the petitioner have already solemnized marriage. Under such circumstances the petitioner is in custody since 21.10.2020. There is no criminal antecedent against the petitioner.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Additional District and Sessions Judge-cum- Special Exclusive Judge (POCSO), Aurangabad in Kutumba P.S. Case No. 136 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 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.

(Madhuresh Prasad, J)

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