

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18926 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- KALYANPUR District- Samastipur

Gandhi Kumar Son Of Ram Kishor Sahni @ Ram Kishore Sahani @ Ram Kishor Chaudhary R/O Village- Bhagirathpur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioner seeks bail in Kalyanpur P.S. Case No. 134 of 2020, registered for the offence punishable under Sections 323, 34, 341, 363, 366A, 504 of the Indian Penal Code. Subsequently, cognizance has been taken under Sections 363, 376A and under Section 4 of the POCSO Act and section 9 of the Bihar Prohibition of Child Marriage Act.

As per the prosecution case, this petitioner with the help of other accused persons kidnapped the minor daughter of the informant.



It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. In fact, there is love affair between the victim girl and the petitioner. The victim girl in her statement under Section 164 Cr.P.C has clearly stated that she had voluntarily left her house and went along with the petitioner and also solemnized marriage. They are living as husband and wife. Court below has assessed her age as 18 years. Petitioner is in custody since 29.09.2020.

In view of the statement of victim girl under Section 164 Cr.P.C., the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge (POCSO Act), Samastipur in connection with Kalyanpur P.S. Case No. 134 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.



(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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