

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19828 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- BASOPATTI District- Madhubani

RAJU SADA @ RAJU SADAY SON OF BIHARI SADA R/O VILLAGE-
WARD NO.2, MUSHARI TOL, MADHIYA, P.S.- BASOPATTI, DISTRICT-
MADHUBANI.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner : Ms. Kumari Shubham, Advocate.
For the State : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 25-11-2021 The applicant/accused in Crime No.224 of 2020 registered with Police Station-Basopatti for the offences punishable under Sections 363, 366-A, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act by this application is seeking his release on bail after filing of the charge-sheet.

Heard learned counsel appearing for the applicant/accused.

She submits that the F.I.R. itself prima facie shows that because of love affair between the couple, the applicant and the victim female child had eloped from the house and subsequently they were returned after coming to know about



pendency of the crime in question for investigation. The statement of the victim female child recorded by the Magistrate under Section 164 of the Code of Criminal Procedure is also pointed out by the learned counsel appearing for the applicant apart from the report of the ossification test. It is further argued that even the mother of the victim female child has informed the trial court that the matter is settled out of the court and for this purpose, she drew my attention to the affidavit of the first informant/mother.

Learned Prosecutor opposed the application by contending that the offence is serious and the victim female child of 15 years was kidnapped from the lawful guardianship of her parents in order to seduce or to enforce her to illicit intercourse.

I have considered the submissions so advanced and also perused the materials placed before me.

The investigation of the crime in question is already over leading to filing of the charge-sheet as stated by the parties. The F.I.R. as well as the statement of the victim female child recorded by the Magistrate indicates that the applicant and the victim female child were having love affair. The victim female child has stated her own age as 15 years whereas in the



ossification test, it is reported to be 17-18 years. There is always margin of error to two years on either side in ossification test.

Considering the nature of evidence against the applicant and fact that he has already undergone pre-trial detention for sufficient period, the following orders:

(i). The application is allowed.

(ii) The applicant/accused in Crime No.224 of 2020 registered with Police Station-Basopatti for the offences punishable under Sections 363, 366-A, 504, 506 read with Section 34 of the Indian Penal Code and under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

(I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II). The applicant should cooperate the trial in expeditious disposal of the trial against him.

(III). The applicant should not repeat commission of



similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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