

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21129 of 2021**

Arising Out of PS. Case No.-248 Year-2019 Thana- RAJPUR District- Buxar

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BHARAT BIN S/O VIJAY BIN R/o village- Nagpur, P.S.- Rajpur, District-
Buxar Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar Sinha,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

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

2 12-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Rajpur P.S. Case No. 248 of 2019 registered for the offences punishable under Sections 341, 323, 363, 366(A), 504 and 34 of the Indian Penal Code read with Sections 8 and 12 of POCSO Act.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he along with his brother had taken away the minor daughter of the informant on motorcycle which was seen by two persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It

is submitted that the main thrust of the allegation is against the brother of the petitioner with whom the victim solemnised marriage out of her own sweet will. The petitioner is in custody since 26.09.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the name of this petitioner has transpired as one who had helped his brother in taking away the victim girl, the thrust of the allegations are, however, against the brother of this petitioner but when the victim girl came back she disclosed her age as 19 years and made a statement under Section 164 Cr.P.C. In her statement under Section 164 Cr.P.C. she claimed that she was having love affair with the brother of this petitioner and for that reasons all the family members were not happy, they wanted to marry her with another persons, therefore, she left her house and fled away with the brother of this petitioner to Maharashtra and solemnised marriage with him. The age of the victim girl has also been assessed between 16-18 years, in the nature of the materials placed before this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge VI cum Special Judge, POCSO, Buxar in connection with Rajpur P.S. Case

No. 248 of 2019, subject to the conditions as laid down under Section 437(3) 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, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and 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 the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(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'.