

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28419 of 2021

Arising Out of PS. Case No.-343 Year-2019 Thana- JOGAPATTI District- West Champaran

HIMANSHU KUMAR PANDEY @ HIMANSHU PANDEY @ MANISH
PANDEY S/O Murari Pandey Resident of Village - Deogharwa, P.S. -
Yogapatti, District - West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 At the outset, when the matter is called out under the heading Matter-II, the Bench Officer has informed this Court that he has been reported by the Officer that inadvertently due to some technical wrong committed by the Office, the prohibition matters have been listed under the heading Matter-II.

Since the matters are already on the list this court has been taking up the matters to avoid the wastage of time.

Heard learned counsel for the petitioner and Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State.

A supplementary affidavit has been filed on behalf of the petitioner. Let it be taken on the record.

Petitioner, in the present case, is seeking regular bail in connection with Yogapatti P.S. Case No. 343 of 2019 registered for the offences punishable under Section 363, 366A/34 of the Indian Penal Code and Section 8 of the POCSO Act. He is in custody



since 12.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 25.08.2019, the accused Srimati Devi came at his house and with consent of his wife she took away the his daughter (the victim), aged about 17 years and when the victim did not return the informant went to the house of accused Murari Pandey where he came to know that all the accused persons have sent the victim to Bettiah.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the victim had left her house on her own volition and solemnized marriage with this petitioner, however petitioner is in custody in connection with this case since 12.02.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the victim girl has been found aged between 19-20 years in the medical examination and she has made specific statement under Section 164 Cr.P.C. that she had left her house on her own volition after clearly telling her father that she would marry with this petitioner and to nobody else and then she took the petitioner with her and has solemnized marriage at Hariyana and thereafter



the petitioner and victim living as husband and wife respectively, in the nature of the materials present, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 343 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

