IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34925 of 2021

Arising Out of PS. Case No.-95 Year-2018 Thana- PARASBIGHA District- Jehanabad

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Mintu Ram Son of Nande Das R/o Village - Saldabad Parsain P.S.- Parasbigha District - Jehanabad

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mrs.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

2. 07-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Parasbigha P.S. Case No. 95 of 2018 (POCSO Case No. 12 of 2021), registered for the offence under Section 363, 365 of the Indian Penal Code and later on, Section 4 of the POCSO Act was added in the FIR.

As per the prosecution case, this petitioner is alleged to have kidnapped the minor daughter of the informant.

It is submitted on behalf of petitioner that no such occurrence has taken place and the victim girl was never kidnapped by the petitioner. The victim, in her statement recorded under Section 164 Cr.P.C. (Annexure – 3 to the petition), has clearly stated that out of her own will, she had gone and solemnized marriage with the petitioner and as such, no case under Section 363 or 366 of the I.P.C. is made out against this petitioner. Petitioner is in custody since 25.02.2021.

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Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as statement of the victim girl recorded under Section 164 Cr.P.C., wherein her age has been recorded as 20 years, and the fact that she went with the petitioner with her own consent, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge VI cum Special Court, Jehanabad in connection with Parasbigha P.S. Case No. 95 of 2018, on the following conditions:

> "(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.
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> (2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail."

(Prabhat Kumar Singh, J.)

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