

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36775 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- PATEPUR District- Vaishali

Mohan Rai, S/O Bilash Rai @ Ram Vilash Rai, R/O Village- Maudah Chatur,
P.S- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 02-12-2021 This case is taken up out of turn for hearing because of Medical certificate tendered by the applicant showing that his wife is suffering severely.

The applicant/accused in Crime No. 89 of 2018 registered with Police Station- Patepur for the offences punishable under Sections 363/366(A)/34 of the Indian Penal Code as well as under Sections 4/6 of the POCSO Act, by this application is seeking his release on bail during the pendency of the trial.

Undisputedly, the charge-sheet has been filed.

The applicant is behind the bars, as stated by the learned counsel appearing for the applicant, from 24.03.2021.

Heard learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor for the



State.

Perused the material placed before me.

Report came to be lodged by the mother of the victim female child claiming age of the child to be 17 years. It is averred that daughter of the first informant is kidnapped by the accused persons including the applicant for forcing or seducing her to illicit inter course or for marrying against her will. It is seen that during course of investigation the victim female child returned after few months. She gave police statement so also the statement under Section 164 Cr.P.C. claiming her age to be 18 years. She averred that on 27.05.2018 she was kidnapped by two persons, who came on the motorcycle. As per her version, she was then taken to a room. Next day, the applicant along with few other accused came there and threatened to kill her and insisted her to accompany one boy. She joined the company of that boy and stayed for a period of four months with him at Mumbai. The victim female child refused to mention name of that boy either to the police or to the Magistrate. It is seen that with passage of time the victim female child and others have tendered an application before the Special Judge, Vaishali, Hajipur wherein it is mentioned that the victim, who is 18 years of age, had married of her own will to one Abhishek Kumar and



stayed with him at Mumbai.

Considering the nature of allegations against the applicant as well as the fact that the victim though claimed to have accompanied one boy to Mumbai and stayed with him for four months against her will, had not even disclosed the name of that boy, case for bail is made out. It is reported that this Court has already released co-accused, namely, Anil Rai, on bail and the bail order is annexed with the supplementary affidavit, hence the following orders:-

(i). The application is allowed.

(ii). The applicant/accused in Crime No. 89 of 2018 registered with Police Station- Patepur for the offences punishable under Sections 363/366(A)/34 of the Indian Penal Code as well as under Sections 4/6 of the POCSO Act, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the trial court with the following conditions:-

(I). The applicant should attend the concerned trial court on each and every date of hearing. Two consecutive absence without sufficient cause of the applicant shall entail the trial court to forfeit the bail bonds of the applicant for taking him into



custody.

(II). 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.

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

(IV). The applicant should not repeat commission of similar offence in future and if he is found to be doing so, the State is free to approach this Court 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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