

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 37571 of 2021**

Arising Out of PS. Case No.-61 Year-2021 Thana- CHHAURADANO District- East
Champaran

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PAWAN KUMAR Son of Ramnaresh Singh Resident of Village Sukhlahiya,
P.S. Darpa, District East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Ansul, Ms Priyanka Singh, Advocates
For the Opposite Party/s :		Mr Bharat Lal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Chauradano Police Station
(for brevity, *PS*) Case No 61 of 2021 dated 04.03.2021 instituted
for the offence punishable under Sections 366A/34 of Indian
Penal Code and Section 8 of Protection of Children from Sexual
Offences (for brevity, *POCSO*) Act.

There is allegation that the informant's daughter has
been taken away by four persons on two motorcycles.
Petitioner is allegedly one of the persons on the motorcycle.
Referring to the order of rejection dated 03.06.2021 by the



Additional Sessions Judge VII, East Champaran, Motihari, the petitioner's counsel submits that on the said date, statement of the victim recorded under Section 164 of Criminal Procedure Code was considered wherein she has stated that she was carrying pregnancy. It is the specific case of the petitioner that on resistance of her family members, she has eloped with co-accused Abhay Kumar with whom she has already solemnized marriage. Medical examination of the victim has placed her between 17 to 18 years of age. The circumstances emerging do not sustain the prosecution case under POCSO. The petitioner is having one criminal antecedent for the offence punishable under the Excise Act. He is on bail in the said case but continues to be in custody in this case since 05.03.2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VII, East Champaran at Motihari in Chauradano PS Case No 61 of 2021 subject to the



following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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