

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36494 of 2020

Arising Out of PS. Case No.-249 Year-2017 Thana- PIRBAHOR District- Patna

RAJ KUMAR, S/o Sanjay Manjhi Resident of Village/ Mohalla- Bhawar
Pokhar, P.S.- Pirbahore, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratik Kumar Sinha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 26-05-2021 Heard Mr. Bal Mukund Prasad Sinha, learned

counsel for the petitioner and Mr. Nand Kumar, learned

APP for the State.

The petitioner seeks bail in connection with

Pirbahore P. S. Case No. 249 of 2017, corresponding to

Special Case No. 127A of 2017, which has been

instituted for the offences under Section 363 and 366 of

the Indian Penal Code and Section 8 of the POCSO Act,

2012.

It has been alleged in the F.I.R. that the

daughter of the informant as well as another friend of

her went missing from their tutorial classes. The



informant, who is the father of one of the victims, has expressed suspicion on the petitioner and one Suraj Kumar. From the personal belongings of the victims, a mobile telephone was recovered which indicated that the victims were interacting with the petitioner and aforesaid Suraj Kumar. Hence, the suspicion against them and their instant prosecution.

The learned counsel for the petitioner has submitted that the daughter of the informant has given her statement under Section 164 Cr.P.C., in which she has stated that she has gone along with the petitioner of her own volition and of her own freewill. For all the time that she stayed with the petitioner, she was not subjected to any misdemeanor of any kind. Later, when she attained majority, she also is stated to have married the petitioner and bears a child out of the wedlock.

Apart from this, it has been submitted on behalf of the petitioner that another co-accused who is said to have run away with the another victim who is the friend



of the daughter of the informant, has been granted anticipatory bail by a Bench of this Court way back in the year 2020.

The learned counsel for the petitioner has informed this Court that out of eight (8) prosecution witnesses, now four (4) have been examined, including the victim herself. The victim in her examination before the court below has given a clean chit to the petitioner by stating that she had gone along with the petitioner of her own volition and married him after attaining the age of majority and also has a child from the wedlock.

Considering all these aspects of the matter and taking into account the custody of the petitioner and the fact that one of the similarly situated persons has been granted anticipatory bail by a Bench of this Court, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge, 1st, Patna, in connection with Pirbahore
P. S. Case No. 249 of 2017, corresponding to Special
Case No. 127A of 2017.

However, it is directed that the petitioner shall
participate in the trial diligently and his unauthorized
absence from the trial proceedings for two consecutive
occasions without any justifiable cause would render the
bail granted to him liable to be cancelled.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

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