

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44284 of 2021**

Arising Out of PS. Case No.-87 Year-2021 Thana- RAMGARHWA District- East Champaran

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DHIRAJ SAH @ DHIRAJ KUMAR S/o Achhelal Sah Resident of Village -
Phulwariya, P.S. - Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Ramgarhwa P.S. Case No. 87 of 2021, registered under Sections
363, 366A/34 of the Indian Penal Code read with section 8 of
the POCSO Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.03.2021, and is a person of
clean antecedent and charge-sheet has been submitted. Learned
counsel submits that from perusal of the allegation as alleged in
the F.I.R., it would manifest that informant alleges that her
minor daughter was kidnapped by the petitioner with an
intention to marry her, accordingly, he went to the house of the
petitioner and informed his father about the occurrence who
assured that girl would be recovered. Accordingly, the present
F.I.R. has been instituted. Learned counsel draws the attention



of the Court to the impugned order that the victim has been assessed in between 17-18 ½ by the doctor however the victim in her statement under section 164 Cr.P.C. has not supported the prosecution case, rather she has stated that she was love with this petitioner for the last three years and they have married.

Learned APP for the State opposes the prayer of regular bail application of the petitioner and submits that victim was a minor as alleged in the F.I.R.

Considering the fact that the petitioner is in custody since 30.03.2021, charge-sheet has been submitted in this case and the age as assessed by the doctor of the victim was in between 17 ½ to 18 ½ years and thus was capable of understanding the consequences of her action, and petitioner is a person with clean antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge, VII cum Spl. Judge, Pocso Act, East Champaran at Motihari in connection with Ramgarhwa P.S. Case No. 87 of 2021.

(Satyavrat Verma, J)

Ranjeet/-

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