

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39196 of 2020**

Arising Out of PS. Case No.-468 Year-2019 Thana- BASANTPUR District- Siwan

Hareram Ram @ Hareram Kumar Ram @ Hareram, Son Of Sri Yogendra
Ram, Resident Of Village -Mahuan, P.S. -Baikunthpur District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate

For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 08-02-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Basantpur Case No.468 of 2019 for the offence punishable
under Section 366A/34 of the Indian Penal Code and Section 8
of the POCSO Act.

All the accused persons have allegedly kidnapped
the daughter of the informant and confined her for marriage
with the petitioner.

Counsel for the petitioner submits that the victim
girl is a major having intimate relation with the petitioner and
they have solemnized marriage. The informant and family
members have intimidated the victim into deposing in support
of the prosecution case at the time of her statement under



Section 164 Cr.P.C. The same has subsequently been retracted by filing a petition by the victim on 28.02.2020 (Annexure 6), wherein she has expressed apprehension that she is likely to be done to death by her own family members for having solemnized marriage with the petitioner and that her actual date of birth is 02.12.2000. The petitioner has no criminal antecedents and is now in custody since 05.02.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned 1st Additional Sessions Judge-cum-Special Judge, Siwan, District-Siwan, in connection with Basantpur Case No.468 of 2019, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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