

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40755 of 2020

Arising Out of PS. Case No.-168 Year-2020 Thana- DELHA District- Gaya

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VIVEK PAL @VIVEKANAND KUMAR Son of Suresh Pal @ Suresh Prasad Resident of Village- Tarpura, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Sharan

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-02-2021 Heard both parties.

The petitioner seeks bail in Delha P.S. Case No. 168 of 2020 (POCSO PS Case No. 103 of 2020), registered for the offence punishable under Sections 366(A)/34 of the Indian Penal Code.

As per the prosecution case, this petitioner with the help of his cousin, enticed away informant's daughter aged about 17 years for the purpose of marriage.

It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. The victim girl in her statement under Section 164 Cr.P.C disclosed her age 19 years and she has stated that no one has kidnapped her and out of her sweet will she left her house and went along with this petitioner and also solemnized marriage with him. She is living at her *sasural* and desires to go at her matrimonial house.



Petitioner is in custody since 19.08.2020.

Counsel for informant opposes the bail petition and submits that victim is minor as per marksheet of Middle School.

In view of the statement of victim girl under Section 164 Cr.P.C wherein she has disclosed her age 19 years and the fact that she has married with this petitioner and also desires to live with him, the petitioner above-named, is directed to be enlarged 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 District and Sessions Judge VI-cum-POCSO Court, Gaya in connection with Delha P.S. Case No. 168 of 2020 (POCSO PS Case No. 103 of 2020), subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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