

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2160 of 2021**

Arising Out of PS. Case No.-502 Year-2020 Thana- ARA NAWADA District- Bhojpur

VISHAL SAH SON OF RUP NARAYAN PRASAD @ RUP NARAYAN
SAH R/O VILLAGE- ANAITH,P.S.- ARA NAWADA, DISTRICT-
BHOJPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with POCSO Case No. 79 of 2020 arising out of Ara Nawada P.S. Case No. 502 of 2020 registered for the offences punishable under Section 366A of the Indian Penal Code. He is said to be in custody since 07.07.2020.

As per the prosecution story the petitioner had eloped with the daughter of the informant. The informant raised suspicion in this regard in the F.I.R. Learned counsel for the petitioner submits that the victim girl has come back and was medically examined in which here age has been found between 17-19 years.



It is submitted that the victim girl has made statement under Section 164 Cr. P.C. in which she has stated about her love affair with this petitioner and then the reason for fleeing away from the home. She has stated that her parents wanted to marry her with a person of old age and for that reasons she left her house on her own will and solemnized marriage with this petitioner.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but after going through the case diary, learned A.P.P. admits to the extent that the victim girl has been assessed between 17-19 years of age and she has further stated that she had left her house on her own and solemnized marriage with this petitioner with whom she was in love but her parents wanted to marry her with somebody else.

Considering the facts and circumstances of the case, the age of the victim girl between 17-19 years and her statement under Section 164 Cr. P.C., as also considering that the petitioner has remained in jail for about one year, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-6th Bhojpur, Ara in connection with POCSO Case No. 79 of 2020 arising out of Ara Nawada P.S.



Case No. 502 of 2020 subject to the condition as laid down under
Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the
conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar
to the offence of which he is accused, or suspected, of the
commission of which he is suspected, and

(c) that such person shall not directly or indirectly make
any inducement, threat or promise to any person acquainted with
the facts of the case so as to dissuade him from disclosing such
facts to the Court or to any police officer or tamper with the
evidence.

And further condition that the court below shall verify
the criminal antecedent of the petitioner and in case at any stage it
is found that the petitioner has concealed his criminal antecedent,
the court below shall take step for cancellation of bail bond of the
petitioner. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in
the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

