

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3057 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- MEHANDIA District- Jehanabad

Umesh Rajak, Son Of Raju Rajak (Rajiv Rajak mentioned in F.I.R. wrongly),
R/O Village- Chitarpur (Bhutti More mentioned In F.I.R. wrongly), P.S.-
Rajrappa Project, District- Ramgarh, State- Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with POCSO Case No. 72 of 2021, arising out of
Mehendia P.S. Case No. 134 of 2021, registered for the alleged
offences under Section 366 (A) of the Indian Penal Code and
Section 8 of POCSO Act.

As per prosecution case, the minor daughter of the
informant went missing and later on the informant named the
petitioner and co-accused Rahul Kumar who have taken her
daughter away for the purpose of marriage.



The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has no concern with the alleged occurrence. There was love affair between the co-accused Rahul Kumar and the victim girl and she left her house on her own and she herself called the co-accused Rahul Kumar for the purpose of marriage. The victim in her statement recorded under Section 161 Cr.P.C. also stated that she herself left her house and called the co-accused Rahul Kumar and they proceeded for Ranchi for the purpose of marriage and the co-accused Rahul Kumar came with the petitioner. The statement of victim girl was also recorded under Section 164 Cr.P.C. and she has not given any name in her statement before the learned Judicial Magistrate. She has further stated that she was forcibly taken away by two youths and no further wrong was done with her. The learned counsel further submits that during examination by the medical board, no external or internal injury was found and the age of the victim was assessed above 18 years and below 20 years and she was found to be major and for this reason no offence under the POCSO Act would be made out against the petitioner. The petitioner is in custody since 20.09.2021 and the charge sheet has been submitted.



Learned APP opposes the prayer for bail submitting that the petitioner helped the co-accused in taking away the daughter of the informant.

Perused the records.

Having regard to the facts and circumstances and submissions made here-in-above and considering the fact that there is no specific allegation of any act of rape or sexual assault against the petitioner and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court, POCSO, Jehanabad, in connection with POCSO Case No. 72 of 2021, arising out of Mehandia P.S. Case No. 134 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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