

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5528 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- BELA District- Sitamarhi

Ranjeet Kumar, Son Of Ram Pragash Sah, R/O Village- Sirsiya Bazar, P.S.-
Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bela P.S. Case No. 106 of 2021 registered for the
alleged offences under Sections 363, 366A, 341, 323, 504 and
506/34 of the Indian Penal Code.

As per prosecution case, petitioner and other co-
accused persons forcibly took away the minor daughter of the
informant when she went to fetch cattle feed from a distant field.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this case.
The daughter of the informant eloped with the petitioner and she



wanted to marry with him but the informant and her family members objected and started torturing her. Thereafter the daughter of the informant went away with the petitioner out of her own sweet will and started residing in Delhi where she conceived and was having pregnancy of about nine months at the time of filing of the petition. The victim has performed marriage with the petitioner on 23.11.2021. Learned counsel further submits that the victim is aged more than 18 years and during ultra sound her age was stated to be 19 years. Learned counsel further submits that the charge-sheet has been submitted under Section 8 of the POCSO Act without any evidence to show that the victim girl was minor. Learned counsel further submits that the informant and the victim have recorded their depositions before the learned trial court and in her statement she stated her age to be 20 years at the time of occurrence. The victim has deposed that she has solemnized marriage with this petitioner and her mother has lodged this case under some confusion. Her statement was also recorded under Section 164 of Cr.P.C. but she did not undergo any medical examination. The victim has also stated in her statement that she was not kidnapped and no one forced her for marriage. The petitioner is in custody since 03.12.2021.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the subsequent development in the case and further considering the period of custody of the petitioner along with submission of charge-sheet against him, 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, Sitamarhi in connection with Bela P.S. Case No. 106 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)

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