

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9619 of 2022

Arising Out of PS. Case No.-529 Year-2021 Thana- RAMKRISHNANAGAR District- Patna

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Rohit Kumar @ Chhotu Kumar @ Chhotu Son of Arvind Kumar Sharma
Resident of Mohalla- Road, No.1, Kanhai Nagar, Khemanichak, P.S.-
Ramkrishna Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Arti Devi W/o Ranjit Kumar @ Prem Kumar Resident of Village-
Chhitrauli, P.O.- Pabheda, P.S.- Dhanarua, District- Patna, at present
Mohalla- Khemnichak, Pinki Niwas, renter in the house of Raviranjana
Kumar, Tetar Path, Balkunwar nagar, P.S.- Ramkrishnanagar, District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishnakant Upadhyay
For the Opposite Party/s : Mr. Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

4 13-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Ramkrishna Nagar P.S. Case No. 529 of 2021, Spl. Case

POCSO No. 154 of 2021, registered for the offences

punishable under Sections 363, 366 (A) and 34 of the



Indian Penal Code and Sections 8 and 12 of the POCSO Act.

The prosecution case as emerging from the FIR is that the accused-petitioner had taken away the victim and lured her on the pretext to solemnize marriage with her.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the medico-legal report, the alleged victim is aged between 15 to 16 years. He also submits that as per the case-diary, the statement of the victim girl recorded before the Police personnel is that she is in love with accused-petitioner, which was opposed by her parents and that is why she left her home without giving information to her parents and went to Kolkata where she started living with accused-petitioner and she also entered into marriage with the petitioner at Sita Mata Temple on 30.07.2021 on her own volition.

The petitioner has been languishing in jail since 16.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court



for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail. However, he does not contest the claim of the petitioner.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Spl. Judge, POCSO -Cum- Additional District and Sessions Judge VI, Patna in connection with Ramkrishna Nagar P.S. Case No. 529 of 2021, Spl. Case POCSO No. 154 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the



court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to



issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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