

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28281 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- EAST COLONY District- Munger

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AJAY KUMAR Son of Vishram Hari @ Vishram Mehtar Resident of Village
- Dupokharia mahadeopur, Police Station - Haveli Kharagpur, and District -
Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Verma, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 366(A) of the Indian Penal Code and
Section 8 of the POCSO Act.

The minor daughter of the informant is stated to have
been kidnapped by the petitioner and others for the purpose of
marriage.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner and the victim were having love affairs and on
account of that both of them have performed marriage on
02.04.2022 in Durga Mandir, Haveli, Kharagpur in Munger. He



further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated and admitted that she has performed marriage with the petitioner as per her own volition and sweet will, therefore, no case under Section 366(A) of the I.P.C. is made out against the petitioner. He further submits that the petitioner and the victim want to reside as husband and wife as they have performed marriage. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 05.04.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with East Colony P.S. Case No. 27 of 2022 with the following conditions:-

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be the father/mother of the victim girl.

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.

(Rajesh Kumar Verma, J)

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