

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40185 of 2021**

Arising Out of PS. Case No.-615 Year-2020 Thana- LAKHISARAI District- Lakhisarai

RAM KRIPAL KUMAR YADAV @ RAMKRIPAL KUMAR Son of Shankar
Yadav Resident of Village - Naya Tola Purani Bazar Ward No. 12, P.S.-
Lakhisarai, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Umesh Prasad, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-07-2022 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 from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Lakhisarai P.S. Case No. 615 of 2020 registered for the alleged offences under Section 363 of the Indian Penal Code. Subsequently charge sheet has been filed under Sections 366(A), 376 of the Indian Penal Code and Sections 4 and 6 of POCSO Act.

The prosecution case is that the petitioner took away the minor sister of the informant and established sexual



relationship with her.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR was registered against unknown. The statement of the victim girl falsifies the case of the prosecution. Her age has been assessed to be 17 years and she recorded her statement before the learned Judicial Magistrate that she went away with the petitioner on her own will and they have solemnized marriage. She has further stated that she is two months pregnant and petitioner established sexual relationship with her consent and she became pregnant. Learned counsel further submits that the petitioner is in custody since 25.12.2020.

Learned APP for the State opposes the prayer for bail though he has admitted that in her statement under Section 164 Cr.P.C. of the victim absolved the petitioner and they have solemnized marriage.

Having regard to the statement of victim girl stated to be aged about 17 years regarding leaving her house on her own and establishing physical relationship that the petitioner and also the fact that on the date of recording of her statement i.e., on 25.12.2020, she was two months pregnant, this case should not be treated as only as minor being enticed away by the



petitioner who is also stated to be aged about 22 years.

Having regard to the aforesaid facts and circumstances and also the submission made on behalf of the petitioner, 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 Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai P.S. Case No. 615 of 2020, subject to 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 for 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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