

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41698 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- SATHI District- West Champaran

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Rajnesh Ram @ Rajnesh Rai @ Rajnish Kumar Son of Ramyad Rai @
Ramyad Ram Resident of Village - Harnahiya, P.s.- Sathi, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Sathi P.S.
Case No. 124 of 2021 registered for the offences punishable
under Sections 363, 366 (A), 34 of the Indian Penal Code and
Sections 8, 12 of the POCSO Act.

As per the prosecution, the informant in her
fardebayan has alleged that on the alleged date and time this
petitioner eloped with her daughter aged about 14 years along
with Rs. 50,000/- cash and jewelleryes of gold and silver.

The main submissions advanced by learned counsel Mr. Ravi Kumar appearing for the petitioner are that in fact the so-called victim fell in love with the petitioner, owing to that she herself left the home of her guardian and solemnized marriage with the petitioner and in this regard photocopy of marriage certificate to prove the said marriage has been filed as Annexure- 2. Further submission is that the said victim has been recovered and she has recorded her statement under Section 164 Cr.P.C in which she has denied the allegations made in the FIR and accepted her love affair as well as matrimonial relationship with this petitioner and in the present time she has been residing in the house of the petitioner as his wife and the petitioner is also a young boy and he has been languishing in jail since 15.02.2022.

Learned APP Mr. Pranav Kumar appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and victim's statement recorded under Section 164 of Cr.P.C. filed as Annexure- 2. The petitioner is stated to be a young boy having clean antecedent and the so-called victim has been recovered and she has recorded her statement under Section 164 of Cr.P.C. and the facts revealed by her in the statement recorded go

against the allegations made in the FIR. Considering these facts as well as petitioner’s custody period and his clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the 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 the Additional Sessions Judge VIIth Cum Special Judge (POCSO), West Champaran, Bettiah in connection with Sathi P.S. Case No. 124 of 2021.

(Shailendra Singh, J.)

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