

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44961 of 2022

Arising Out of PS. Case No.-474 Year-2021 Thana- NAWANAGAR District- Buxar

=====

Raju Kumar @ Dhanji Yadav, Son Of Vijay Yadav, R/O Village- Kukuraha,
P.S.- Agiaon Bazar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar Upadhyay, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Nawa Nagar P.S. Case No. 474 of 2021 registered for the alleged offences under Sections 363 and 365A/34 of Indian Penal Code and Sections 4 and 8 of the POCSO Act.

As per prosecution case, the minor daughter of the informant went missing and the informant on suspicion made inquiry from the family members of the petitioner, who said that the petitioner has taken away the daughter of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as the girl went with the petitioner on her own. The



statement of the victim girl was recorded under Section 164 Cr.P.C. wherein she has stated that she went with the petitioner out of her own sweet will and she performed marriage with him. She has also stated that she was knowing the fact that the petitioner was already married. Learned counsel further submits that the age of the victim girl in the medical examination was assessed to be 18 to 19 years. So she was not a minor on the date of occurrence. Even in her statement recorded under Section 164 Cr.P.C. she has stated that she was 17 years old and her age was also assessed by the learned Chief Judicial Magistrate to be 17 years. The petitioner is in custody since 17.12.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the victim girl being minor and her consent is immaterial.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the victim recorded her statement showing her voluntary conduct on her part and also considering her age when a girl develops sufficient maturity 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 District and Sessions Judge-VIth-cum-Special Court, POCSO Act, Buxar in connection with Nawa Nagar P.S. Case No.474 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)

balmukund/-

U			
---	--	--	--

