

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55507 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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Vikash Sharma S/O Yogi Sharma R/O Village- Dahwa, P.S.- Dhanaha,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate+
For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-05-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Bagaha Mahila P.S.Case No. 59 of 2020 for the offences
punishable under Sections 363, 366A, 376, 379,120B, 506/34 of
the Indian Penal Code and section 4 of the POCSO Act.

As per the prosecution case, it is alleged that on
17.12.2020 the daughter of the informant aged about 16 years
had taken away by the petitioner along with other FIR named
accused persons. It has also been alleged that all the accused
persons with a conspiracy also took away gold ornaments as



well as cash of Rs. 25,000/- . After search, the informant came to know that the accused persons were taking away his daughter to the house of Kayamuddin Ansari. When the informant reached at the home of co-accused Ansari, the accused persons fled away with his daughter and kept her in the house of Vikash Sharma. Thereafter, informant brought his daughter from the house of Vikash Sharma.

It is submitted by the learned counsel for the petitioner that petitioner is a school going boy aged about 18 years. It appears that it is a case of elopement as both the boy and girl studying in the same coaching center and during the course of investigation, it has come that there was love affair between boy and girl. It is further submitted that occurrence took place on 17.12.2020 but the F.I.R has been instituted after delay of 11 days on 28.12.2020. It is next submitted that though the statement of victim has been recorded under section 161 of the Cr.P.C, by the police in which she has stated that prior to the occurrence, petitioner had taken away and committed wrong act before two months of the alleged occurrence but she did not make any complaint to anyone. It is also submitted that during the course of investigation, it has also come that the informant was making a demand of Rs. 1 lac for settlement of dispute but



the family of the petitioner refused to do so. It is lastly submitted that petitioner has suo moto surrendered before the learned court below on 18.01.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that the victim has produced before the medical board and her aged has been assessed in between 15 to 17 years. He further submits that the victim has categorically stated in her statement that she was forcefully taken away by the accused persons including the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that daughter of the informant voluntarily left her house with gold ornaments and cash. Apart from the fact that occurrence has taken place on 17.12.2020 but FIR has been instituted after delay of 11 days. Moreover, the petitioner is a school going student and he is in custody since 18.01.2021 having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum Additional Sessions Judge, VII Bettiah, West Champaran in connection with Bagaha Mahila P.S. Case No. 59



of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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