

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60623 of 2021**

Arising Out of PS. Case No.-107 Year-2021 Thana- DHARHARA District- Munger

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ASHISH KUMAR SINGH @ SHIV KUMAR SINGH @ SHIV KUMAR S/o
BABAN SINGH @ BINAY KUMAR SINGH R/o VILLAGE-PACHRUKHI,
P.S-DHARHARA, DISTRICT-MUNGER.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-04-2022

Heard learned counsel for the parties.

The petitioner is an accused in connection with Dharhara P.S. Case No.107 of 2021 lodged under Section 366(A) of the Indian Penal Code in which later section 8 of POCSO Act and 9/ 10 of Prevention of Child Marriage Act, 2006 have also been added.

As per prosecution story, allegation is that on 2.6.2021 the petitioner along with Ansu Kumar and two unknown reached at the house of the informant and once the door was opened, the daughter of the informant was forcibly taken away. When she protested, she was threatened with dire consequences. Consequently victim girl was recovered and she deposed under 164 Cr.P.C that she is major and she wants to live with the



petitioner. She further stated that her father has wrongly lodged the FIR against the petitioner and other accused persons. Medical Board constituted on 7.6.2021 to ascertain her age opined her to be between 17 to 18 years.

Learned counsel for the petitioner submits that once the Medical Board opined her age between 17 to 18 years; two days later, the informant procured certificate dated 9.6.2021 from Utkramit Madhyamik Vidyalaya, Pachrukhi, Dharahara (Munger) showing her age to be 14 years at the time of occurrence. Learned counsel further submits that it is out and out a love affair case in which petitioner has been implicated and he is in jail since 7.6.2021. Charge sheet has been submitted in the case.

Taking into account the aforesaid facts, 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 in connection with Dharhara P.S. Case No.107 of 2021 to the satisfaction of learned Addl. Judge-VI-cum-Exclusive Special Judge, POCSO Act, Munger, subject to following conditions:

(i) the Trial court shall satisfy itself on the criminal antecedents of the petitioner prior to his release on bail;



(ii) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

s.hassan/-

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