

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63249 of 2021

Arising Out of PS. Case No.-246 Year-2021 Thana- SHEOHAR District- Sheohar

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DHANANJAY KUMAR @ DHANANJAY SARAF Son of Sri Kailash Sah
Resident of Village - Banu Chhapar, Bettiah Dih, P.S. - Bettiah Muffasil
(Manuapul), District - West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party : Mr.Nawal Kishore Prasad, Addl Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-04-2022 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 366A and other ancillary sections of the Indian Penal Code, section 6 of the POCSO Act and section 9 of the Prohibition of the Child Marriage Act, 2006.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The victim in her statement recorded under section 164 Cr. P. C. has stated that she herself went to Nepal with the petitioner, solemnized marriage with him in the temple there and also made physical relation with him out of her sweet will. She has further stated that no one has kidnapped her and when she knew about lodging of the instant case, she and the petitioner both surrendered in the Bettiah Police Station from where they were taken to Sheohar Police Station. The victim has stated her age to be 16 years. Petitioner has claimed clean antecedent and he is in custody since 3.8.2021.

Learned counsel appearing for the State as well as the



informant oppose the prayer for bail. They submit that the girl is minor as such her aforesaid statement is immaterial in the eye of law. To which, learned counsel for the petitioner submits that the age of the victim has been estimated as 16 years by the Court below as per admission register of the school concerned and such estimation of age is always subject to variation of two years plus minus.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, as named above, be enlarged 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 I cum Special Judge, POCSO Act, Sheohar in Sheohar Police Station Case No. 246 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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