

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54232 of 2022

Arising Out of PS. Case No.-611 Year-2021 Thana- MADHEPURA District- Madhepura

Suman Kumar, Son Of Late Ganeshi Sharma, Resident of Village-
Bhagwanpur, Ward No.- 05, Police Station- Sour Bazar, District- Saharsa
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard Mr. Uday Chand Prasad, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP for
the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with POCSO Case No.15 of 2022 arising out of Madhepura
(Bharrahi O.P.) P.S. Case No.611 of 2021 instituted under
Sections 363, 366A of the India Penal Code.

As per the prosecution story, the informant alleged
that his minor daughter went to coaching institute but failed to
return and later came to know that she has left the place on a
motorcycle with someone. Further, he was told by one Bechan
Das that it may be his son-in-law who had taken the victim girl.

Accordingly, his name was included in the F.I.R. as



police picked him up and is in jail since 28.02.2022 (as stated in paragraph-16 of the bail application).

Learned counsel for the petitioner submits that the occurrence according to the informant took place on 20.07.2021, but he waited for ten days to lodge the FIR only on 01.08.2021 and further as per the 'Aadhar Card' of the victim girl, her date of birth is 08-02-2003 (Annexure-2 to the bail application) which clearly shows that she was major on the date of occurrence. He has further taken this Court to the deposition made by the victim girl before the court to show that not only she has recorded her age to be 18 years but has also stated before the court concerned that she has married the petitioner herein.

Taking into account the aforesaid facts as also that he is in custody since 28.02.2022, there is delay in lodging of the FIR, charge-sheet stands submitted and he do not have any criminal antecedent, this Court is inclined to grant him bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with POCSO Case No.15 of 2022 arising out of Madhepura (Bharrahi O.P.) P.S. Case No.611 of 2021 to the satisfaction of learned



Additional Sessions Judge, VI,-cum-Special Judge, POCSO,
Madhepura, subject to following conditions:

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

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his/her
bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash Narayan /
Ajay

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