

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68820 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

JITENDRA RAM S/o- Sri Niwas Ram @ Suresh Ram Resident of Village-
Simri Dudhipatti, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Pradhan, Advocate Mr. Mayank Kumar, Advocate Mr.Dewesh Kumar Pandey, Advocate
For the Opposite Party/s :		Ms. Renuka Ratnakar, A.G
For the Informant	:	Mr. Avinash, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with POCSO Case No. 05 of 2021 arising of Buxar Muffasil, P.S. Case No. 40 of 2021 registered for the alleged offences under Sections 364, 366(A), 420, 406 and 120(B) of the Indian Penal Code and Sections 12 and 17 of the POCSO Act.

As per prosecution case, the petitioner with the help



of other co-accused person enticed away the minor daughter of the informant in order to solemnize marriage with her.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case due to enmity and in order to extort money. The daughter of the informant left her house on her own as there was love affair between the petitioner and the daughter of the informant. They went to Gujarat and started living there after solemnizing marriage. They lived there for about one year and spent the time together. The petitioner in good faith allowed the daughter of the informant to go with her parents but taking advantage of this fact they tutored the victim girl and got a statement recorded under Section 164 of Cr.P.C wherein, she made some allegations against this petitioner. But, the allegation gets falsified from so many contradictions which came up during the investigation. When the petitioner and the victim girl have stayed for more than two years together, nothing remains in this case. Now, the matter has been settled and both the parties are willing to live together. Charge sheet has been submitted in this case and the petitioner is in custody since 04.10.2021. Learned counsel further submits that victim girl was a major and her age was stated to be 18 years by the victim girl herself while recording



her statement.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the victim girl was a minor and she was taken away by the petitioner. The learned counsel appearing for the informant submits that matter has been compromised and the victim wants to stay with the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the age of the victim girl as it appears from her statement under Section 164 Cr.P.C, when a girl of that age develops sufficient maturity and is supposed to know the consequences of her act and left her house as she has stated in the statement under Section 164 Cr.P.C that no force was applied on her and also considering the period of custody of the petitioner, 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 Special Judge POCSO Act, Buxar in connection with POCSO Case No. 05 of 2021 arising out of Buxar Muffasil P.S. Case No. 40 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)

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