

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56401 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

MUKESH KUMAR Son of Prabhu Manjhi Resident of Village - Sheikhwara,
P.S.- Magadh University, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under sections 365,
366(A)/34 of the Indian Penal Code, in connection with
Magadh University P.S. Case No. 35 of 2022.

As per the FIR, the informant has alleged that the
petitioner eloped with his sister and accordingly, the FIR was
lodged. Subsequently, the sister of the informant was recovered
and she made statement under section 164 of the Cr.P.C. which
is part of the record as Annexure-2, in which she has stated that
she left home at her own as she knew the petitioner since last 4-
5 years and subsequently they went to Delhi and got married



with him (petitioner in a temple). Further she has stated her age to be 18 years.

Learned APP for the State has opposed the prayer for bail.

Taking into account the statement of the victim girl as incorporated in Section 164 of the Cr.P.C. as also the fact that she is major, the petitioner do not have any criminal antecedent and is in custody since 10.5.2022 (as stated in para-13 of the bail application), this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO-cum-A.D.J.-VI, Gaya, in connection with Magadh University P.S. Case No. 35 of 2022 subject to the 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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