

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70076 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- SAKATPUR District- Darbhanga

Jairam Chaupal, Son of Khushi Lal Chaupal, Resident of Village- Nadiyani
Toli Usarcha, P.S.- Sakatpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Sakatpur P.S. Case No. 15 of 2021 registered
for the alleged offences under Sections 363, 366(A) and 34 of
the Indian Penal Code.

As per prosecution case, the petitioner and other co-
accused persons took the minor daughter of the informant with
intention to marry or to sell her.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner who is aged about 22 years and the victim



girl are in love with each other. The victim girl was recovered and her statement was recorded under Section 164 Cr.P.C. wherein she has stated that she went with the petitioner out of her sweet will and solemnized marriage with him. During medical examination the age of the victim girl was found to be 16 to 17 years. After marriage the victim girl is pregnant. The petitioner is in custody since 10.04.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the victim girl is minor and her consent is immaterial. She was also found pregnant during her medical examination.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the victim girl when a girl develops sufficient maturity to understand the consequence of her act and further considering her admission that she willingly went with the petitioner and solemnized marriage with him and also considering the period of custody of the petitioner along with his clean antecedent and submission of charge-sheet, 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), Darbhanga in connection with Sakatpur Case No. 15 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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