

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22595 of 2022

Arising Out of PS. Case No.-411 Year-2021 Thana- RAJGIR District- Nalanda

BADAL DOM S/o Biru Dom R/o Village/Mohalla- Lelin Nager, P.S.- Rajgir,
District- Nalanda, PIN 803116

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Jha

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Rajgir P.S. Case No. 411/2021, registered for the offence punishable under Sections 366 (A), 323, 504, 506, 376 & 34 of the Indian Penal Code and Section 4 of POCSO Act.

The allegation is regarding the petitioner having kidnapped the victim girl with the intention of marrying her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 10.30.2022. The learned counsel for the petitioner has submitted, by referring to the medical examination of the victim girl, conducted by the Medical Board on 22.10.2021 that the age of the victim girl has been found to be 18-19 years and the Medical Board has found that there is no evidence of recent sexual intercourse. It is also submitted that the fact is that both the petitioner and victim girl have solemnized marriage and they are having a three month's child out of the said wedlock.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the materials available in the case diary, this Court finds from a bare perusal of the statement made



by the victim girl under Section 164 of the Cr.P.C., before the learned Magistrate that the victim girl has stated therein that she had fled away with the petitioner voluntarily, however, subsequently, he refused to marry her, nonetheless, this Court finds that the learned counsel for the petitioner has made a categorical statement across the bar to the effect that the petitioner and the victim girl are happily married and have been blessed with a child, aged about three months, a fact which can be recorded and got verified through the learned trial court.

In such view of the matter, though I deem it fit and proper to admit the petitioner to the privilege of bail, however, subject to verification, of the factum of the petitioner having solemnized marriage with the victim girl and having been blessed with a child, by the learned trial court.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned 7th, Additional District and Session Judge Cum Special Judge, POCSO, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 411/2021, subject to the verification of the aforesaid fact by the learned trial court.

(Mohit Kumar Shah, J)

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