

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23608 of 2022

Arising Out of PS. Case No.-72 Year-2020 Thana- PARIHAR District- Sitamarhi

AKASH JHA Son of kamlesh Jha Resident of Village - Parihar, Ward No. 2,
P.S. - Parihar, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Adv. Smt. Divya Bharti, Adv.
For the Opposite Party/s :		Mr.S. M. Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 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 Parihar P.S. Case No. 72/2020, registered for the offence punishable under Sections 363, 366(A)/34 of the Indian Penal Code and Section 8 of the POCSO Act.

The allegation is regarding the accused persons including the petitioner having kidnapped the victim girl i.e. the sister of the informant with oblique intentions.



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 30.1.2022. The learned counsel for the petitioner has submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate that the victim girl had voluntarily eloped with one Devendra Manjhi, whereafter she had solemnized marriage and thereafter, a child has been born out of the said wedlock. It is further submitted that the age of the victim girl has been assessed to be in between 18-19 years by the Medical Board, hence, the parties are consenting adults. It is further submitted that as far as the petitioner is concerned, he has got nothing to do with the alleged occurrence and his name has been falsely roped in the present case with oblique intentions.

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 the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate that the victim girl had voluntarily eloped with one Devendra Manjhi, solemnized marriage with him and has also been blessed with a child out of the said wedlock as also she is major, as has been found by the Medical Board, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

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 Additional District and Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi in connection with Parihar P.S. Case No.



72 of 2020.

(Mohit Kumar Shah, J)

Ajay/Sonal-

U		T	
---	--	---	--

