

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29975 of 2023

Arising Out of PS. Case No.-502 Year-2020 Thana- BRAHMPUR District- Buxar

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DHARMRAJ YADAV SON OF SRI RAM YADAV R/O VILLAGE-
THAKUR DAYAL SINGH KE TOLA, P.S.- KRISHNA BRAHM,
DISTRICT- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Srivastava, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is an accused in connection with Brahmpura P.S. Case No. 502 of 2020 registered for the offences under sections 366A, 504, 506 and 34 of the Indian Penal Code lodged on 19.09.2020 by the informant, Bihari Yadav.

As per the allegation in the FIR, the girl went to school, did not return and allegation is that the petitioner took her away to Gujarat. Accordingly, the FIR.

Subsequently, the girl recovered, during the trial, her deposition is on record (Annexure 2) according to which, her father used to beat her, she fled away to Gujarat where she found this petitioner and both were working there. Subsequently, in 2022, they got married and the couple is



blessed with a child. She has further claimed that her date of birth is 13.01.2004.

Learned Counsel for the petitioner submits that taking into account her date of birth (13.01.2004) and marriage date (30.02.2022), she was major at the time of solemnization of the marriage with the petitioner. Further, as per the deposition, petitioner had no role in her leaving the place and going to Gujarat.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Taking into account the aforesaid submissions put forward by the learned Counsel for the petitioner and the deposition of the victim girl before the Trial Court, this Court is inclined to grant him privilege of bail subject to condition that he will be diligently appearing in trial on each and every date.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District & Sessions Judge VI cum Special POCSO, Buxar in connection with Brahmpura P.S. Case No. 502 of 2020, 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
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 bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month till the conclusion of trial to mark
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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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