

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37168 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- MAJHAULIA District- West Champaran

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SURAJ RAM S/O SRI DARSHAN RAM R/O Village-Balua Sohrahiya, P.S.-
Paharpur, Dist.-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 05-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Majhaulia P.S. FIR No. 197 of 2023 for the offence under sections 363, 366-A/34 of the Indian Penal Code and 8/12 of the POCSO Act lodged on 11.03.2023 by the informant, Sheshmati Devi.

3. As per the prosecution story, the allegation is that the informant's daughter had went out to see a marriage ceremony but failed to return and upon search, it came to notice that this petitioner has taken her away on a motorcycle. Accordingly the FIR.

4. Learned counsel for the petitioner submits that there is delay of eleven days in lodging of the FIR inasmuch as the girl disappeared on 28.02.2023 whereas the FIR was lodged



on 11.03.2023 and there is no explanation for the said inordinate delay.

5. Further, the girl upon return in her 161 Cr.P.C. statement, stated that she went with the petitioner on her own and solemnized marriage with him.

6. Learned APP opposes the prayer for bail stating that the girl was minor at the time of disappearance.

7. Though there is force in the submission of the learned APP, so far as the bail part is concerned, taking into account that the boy is of nineteen years old, do not have criminal antecedent and the victim girl has not supported the prosecution story, is in custody since 15.03.2023 (as stated in paragraph 12 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-the Special Judge, under POCSO Act, West Champaran at Bettiah, in connection with Majhauria P.S. FIR No. 197 of 2023 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 bail bond by the Trial Court itself;

(iii) 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;

(iv) 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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