

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42518 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- BELAGANJ District- Gaya

PANCHAM KUMAR S/O RAMA JANAM YADAV Resident of village-
Daulatpur Dharamshala, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Belaganj P.S. Case No. 419 of 2021 for the offence registered under Sections 363, 366A and 34 of the Indian Penal Code.

The allegation is regarding the petitioner having kidnapped the minor victim girl, whereafter she was taken to Gujarat and then petitioner had solemnized marriage with the minor victim girl.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 04.01.2022. The



learned counsel for the petitioner has further submitted that though the petitioner is an accused in one another case but he is on bail in the said case. It is further submitted, by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, that on the alleged date and time of occurrence, the victim girl had voluntarily eloped with the petitioner and had gone to Gujarat where they had solemnized marriage and when they got the news that the present case has been lodged, they had returned back to the village in question. It is thus, submitted that the act in question is consensual in nature.

Per contra, the learned A.P.P. 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 fact that the complicity of the petitioner in the alleged occurrence is writ large from the records and since



the victim girl is minor, aged about 17 years, her consent is not only immaterial but also of no consequence, I am not inclined to grant bail to the petitioner, at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charge by the learned trial court subject to such conditions as may be deemed fit and appropriate to be imposed by the Court of learned Special Judge, POCSO-cum-Additional Sessions Judge-VI, Gaya in connection with Belaganj P.S. Case No. 419 of 2021.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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