

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50026 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- MURLIGANJ District- Madhepura

Shyam Kumar Pasi, Male, aged about 21 years, Son Of Late Natho Pasi R/O
Village- Rampur, Ward No.-10, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Shanker Modi, Adv

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Murliganj P.S.
Case No. 255/2022 registered for the offence punishable under
Section 366/366-A/34 of the Indian Penal Code (for brevity 'IPC')
and Section 7/8 POCSO Act.

As per allegation in the First Information Report (for brevity
'FIR'), the daughter of the informant, aged about 18 years, had gone
for coaching and she did not return. The petitioner has been made
named accused.

Learned counsel for the petitioner draws attention of the Court
towards statement of the victim recorded under Section 164 of the
Code of Criminal Procedure (for brevity 'Cr. P. C.'), copy of which is
Annexure-2 to the bail application. It is submitted that the same
belies the allegation. The victim has claimed herself to be a major,
and that she had gone with the petitioner on her own volition, and
that prosecution case has been instituted under misconception by her
mother.

The victim was also medically examined, wherein there is no
finding of any crime having been committed on her person. It has
also been found that she is between 18-20 years of age. Petitioner is
in custody since 01.06.2022.

Learned APP for the State has opposed the prayer for bail.



Considering the rival submissions, statement of victim recorded under 164 of the Cr.P.C, the medical report, clean antecedent, and period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Madhepura, in connection with Murliganj P.S. Case No. 255/22, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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