

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58852 of 2023

Arising Out of PS. Case No.-20 Year-2021 Thana- RATANPUR District- Supaul

SANOJ KUMAR YADAV S/O- SITARAM YADAV R/O VILL.-
HARIRAHA WARD NO 13 PS KARJAIN, DISTT.-SUPAUL

... .. Petitioner/s

Versus

1. The State of Bihar
2. DEBU MEHTA S/O LATE JANAK LAL MEHTA R/O VILLAGE-
PIPARAHI, WARD NO.03, P.S.- RATANPURA, DIST.- SUPAUL
3. DEBU MEHTA S/O- JANAK LAL MEHTA R/O VILLAGE- PIPARAHI,
WARD NO.03, P.S.- RATANPURA, DIST.-SUPAUL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Ratanpura P.S. Case No. 20 of 2021 registered for the offences under sections 366(A) and 34 of the Indian Penal Code and later section 376 of the Indian Penal Code, sections 4 and 6 of the POCSO Act and sections 9 and 10 of the Child Marriage Prohibition Act is added lodged on 19.04.2021 by the informant, Debu Mehta.

3. As per the prosecution story, the informant alleged that his minor daughter was found missing and had apprehension that this petitioner who used to frequent his house, may have taken her with the purpose of marriage. Accordingly, the FIR.

4. It is the case of the petitioner that subsequently, the



girl returned and made statement under section 164 of the Cr.P.C. clearly stating that she is in a relationship with the petitioner herein and she has married him.

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the allegation is of abduction with the purpose of marriage.

6. Having gone through the facts on record, the submissions put forward by the learned Counsels as also the observation made by the learned Sessions Judge while rejecting the prayer of the petitioner, it is clear that the victim girl has denied the allegation in the FIR and further has stated that she has solemnized marriage with the petitioner at her sweet will. He is in custody since 16.05.2023 (as stated in paragraph 4 of the bail application) and do not have criminal antecedent and is a young boy of 22 years, this Court is inclined to extend him privilege of bail.

7. 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 Sub Divisional Judicial Magistrate, Birpur, Supaul in connection with Ratanpura P.S. Case No. 20 of 2021, 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 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;

(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 the bail bonds.

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

(Rajiv Roy, J)

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