

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 60347 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- LODIPUR District- Bhagalpur

CHANDAN KUMAR S/O DEVI MANDAL @ DEVAN MANDAL R/O
VILLAGE- SRIRAMPUR, DIH, P.S- LODIPUR, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Lodipur P.S. Case No. 221 of 2022, Special Pocso Case No. 181 of 2022 for the offence under section 363, 365 of the Indian Penal Code and section 8 of the POCSO Act lodged on 01.09.2022 by the informant, Md. Arshad.

3. As per the prosecution story, the informant alleged that his daughter had gone to get Aadhar Card but failed to return. Upon search, got knowledge that this petitioner has taken her away. Accordingly the FIR.

4. Learned counsel for the petitioner submits that subsequently, the victim girl returned and her statement under section 164 of the Cr.P.C. has been incorporated in the learned Sessions Judge order according to which, she was in relationship with the petitioner with last four years. He later



went to Gujarat for his work and upon return, in 2022, without informing the parents, she alongwith this petitioner went to Ballabhgarh, Haryana and solemnized marriage in a temple. Presently, it has been recorded that she was pregnant by four months.

5. The further submission is that he is in custody since 25.04.2023 (as stated in paragraph 13 of the petition) and do not have criminal antecedent.

6. Learned APP opposes the prayer for bail stating that the girl was minor.

7. Taking into account the submissions put forward by the parties, his period of custody i.e. 25.04.2023, do not have criminal antecedent and as per the statement of victim girl as recorded in the learned Sessions Judge order, she was in relationship, subsequently married and was pregnant at the time of recording of the statement, 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 District and Session Judge-6th-cum-Special Judge, POCSO, Bhagalpur, in connection with Lodipur P.S. Case No. 221 of



2022, Special Pocso Case No. 181 of 2022 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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