

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 61648 of 2023**

Arising Out of PS. Case No.-84 Year-2022 Thana- SANGRAMPUR District- East
Champaran

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DHARMENDRA RAM S/O RAMDATT RAM RESIDENT OF VILLAGE
JALAHAN SISWANIYA, PS- SANGRAMPUR, DIST- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-10-2023 Heard Mr. Sharad Kumar Verma, learned counsel
for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Sangrampur P.S. Case No. 84 of 2022 for the offence under sections 366 (A), 34 of the I.P.C. lodged on 21.03.2022 by the informant, Prabhavati Devi.

3. As per the prosecution story, the allegation is that the informant's daughter went to school but failed to return till evening. Upon search, it came to notice that she used to talk with the petitioner and believing that she had been kidnapped for an intention to marry. Accordingly the FIR.

4. It is the case of the petitioner that there is delay of



14 days in lodging of the FIR as the occurrence is of 07.03.2022 but FIR is of 21.03.2022.

5. Further, the girl returned and made statement under section 164 of the Cr.P.C. stating that she left her parental home on her home, solemnized marriage with the petitioner herein and started living together.

6. This Court has gone through the petition and claim is that the age of the girl is 18 years while the Doctor has found her to be of 19 years. In 164 Cr.P.C. statement, she has made statement about living with petitioner and as per the annexure-2, she was allowed to go with the mother-in-law (the mother of the petitioner).

7. Learned APP opposes the prayer.

8. Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner and after going through the facts of the case as also that the petitioner is of 22 years and do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the



satisfaction of learned 6th Additional Sessions Judge cum Special Judge, POCSO Act, Motihari, East Champaran, Bihar, in connection with Sangrampur P.S. Case No. 84 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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.



10. With the aforesaid observations, the anticipatory
bail application is allowed.

(Rajiv Roy, J)

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