

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69772 of 2023

Arising Out of PS. Case No.-437 Year-2020 Thana- GAYA MUFASIL District- Gaya

Sagar Kumar Son of Uday Singh R/o vill - Jagdishpur, Nauranga, Gaya,
Buniyadganj, Bihar 823003

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyadarshi Pankaj Raj Anand, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil P.S. Case No. 437 of 2020 registered on 30.11.2020 for the alleged offences under Section 366(A)/34 of the Indian Penal Code.

3. As per the prosecution case, the minor daughter of the informant left her house in the fateful night and informant later on came to know that she went away with the petitioner who asked the informant not to lodge any case and further told him that he would bring back his daughter.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The victim girl was in love with the petitioner and she



voluntarily went away with the petitioner to Kodarma where both of them got married. The victim girl in her statement recorded under Section 164 of Cr.P.C. admitted that on 27.11.2023, she voluntarily left her house with the petitioner and solemnized marriage and thereafter, both of them have been living together. In her statement, she further showed her willingness to live with her in-laws. It is further submitted that this was an inter-caste marriage against wishes of the parents of the victim girl and therefore, this case has been lodged. A medical test was conducted and age of the victim girl was found to be 19 years and she was 16 weeks pregnant and she already has a one and half year old child and now she is mother of two children. Learned counsel further submits that even in the statement under Section 164 Cr.P.C., learned Magistrate assessed the age of victim girl to be 19 years. Petitioner is in custody since 10.02.2023 and he is having clean antecedent and Charge-sheet has been submitted on 23.03.2023.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the age of the victim girl and voluntarily nature of her act in eloping



with the petitioner and further considering the submission of charge-sheet and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Court cum Special Judge POCSO, Gaya in connection with Muffasil P.S. Case No. 437 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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