

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66653 of 2022

Arising Out of PS. Case No.-478 Year-2021 Thana- KHARHAGPUR District- Munger

GAUTAM KUMAR JHA S/o Late Anil Jha R/v- Fudkipur, P.S.- Radhanagar,
District- Sahebganj (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Kharagpur P.S. Case No. 478 of 2021 corresponding to POCSO Case No. 35 of 2022 registered for the offence under Sections 366(A)/34 of the Indian Penal Code.

The petitioner is alleged to have persuaded the minor daughter of the informant for the purpose of marriage and taken her away.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that in fact, the petitioner and the victim



were having love affairs and they have performed their marriage with their own will and volition on 19.12.2021. He further submits that at present the victim is residing in the house of the petitioner. He further contends that the victim in her statement recorded under Section 164 Cr.P.C. in which she has categorically stated that she has performed marriage with the petitioner with her consent. Learned counsel for the petitioner further submits that no case is made out under the POCSO Act as the victim was major at the time of occurrence. The petitioner is rotting in judicial custody since 27.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Exclusive Special Court- cum- Additional Sessions Judge-VI, Munger in connection with Kharagpur P.S. Case No. 478 of 2021 corresponding to POCSO Case No. 35 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be the daughter of the informant, namely, Shruti Kumari, who is victim in this case.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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