

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67852 of 2022

Arising Out of PS. Case No.-673 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Rohit Kumar S/O Endradeo Verma Resident of village- Lal Pahari, Ward No-33, P.S.- Kabaiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vijay Kumar, learned counsel for the petitioner and Mr. Md. Matloob Rab, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Lakhisarai (Kabaiya) P.S. Case No. 673 of 2022, registered for the offences punishable under Sections 363/366(a)/34 of the Indian Penal Code and Section 8/10 of the POCSO Act.

The prosecution case is based on a written report of the informant alleging therein that on 12.08.2022 the daughter of the informant went to the coaching but she did not return. A search was made, but she could not be traced out. It is alleged that the petitioner along with other co-accused persons kidnapped his minor daughter for the purpose of marriage.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it would be evident that the



occurrence took place on 12.08.2022, however, the present FIR has been instituted on 16.08.2022, i.e., after a delay of four days. He further submits that during investigation the victim girl herself appeared and her statement under Section 161 Cr.P.C. before the police was recorded wherein she stated that she voluntarily went along with the petitioner and solemnised marriage, however, when her statement was recorded under Section 164 Cr.P.C. before the court she has given a different version that out of her own will she had gone to her friend's house and no allegation of any force or enticement has been levelled against the petitioner. It is further stated that victim girl was examined by the Medical Board and her age has been assessed as 18 years and now the petitioner is in custody for over a period of six months having fair antecedent and the investigation of the crime is complete.

On the other hand, learned APP for the State vehemently opposed the bail application and submits that the victim was a minor and she herself stated in her statement before the police that she went along with the petitioner and solemnised marriage.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim girl



recorded under Section 164 Cr.P.C. and her age has been assessed by the Medical Board to be 18 years, coupled with the fair antecedent and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-VI-cum-Special Judge POCSO, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 673 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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