

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73312 of 2023

Arising Out of PS. Case No.-129 Year-2021 Thana- GURUA District- Gaya

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BINDA KUMAR @ VIVEK @ VIVEK KUMAR SON OF SRI DUKHAN
BHUIYA RESIDENT OF VILLAGE - VERMA, P.S. - GURUA, DISTRICT -
GAYA (BIHAR) Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023 Heard the parties.

2. The petitioner is an accused in connection with
POCSO Case No. 50 of 2023 arising out of Gurua P.S. Case No.
129 of 2021 registered for the offences under sections 366(A)
and 34 of the Indian Penal Code lodged on 13.06.2021 by the
informant, Dharmendra Bhuiya.

3. As per the prosecution story, the informant alleged
that one fine morning, his daughter was missing and
subsequently came to know that this petitioner has taken her
away. Accordingly, the FIR.

4. It seems that subsequently the victim girl alongwith
the petitioner surrendered before the Gurua Police Station on
03.10.2022 from there the petitioner was sent to the judicial
custody, the girl was sent to the Medical Board which examined
and found her major as has been stated in paragraph 8 and the
document is part of record as Annexure 2. Her age was



determined as 19 years which shows that she was major at the time of occurrence.

5. Learned Counsel for the petitioner submits that as per the subsequent paragraphs, it is clear that the girl has narrated her statement under section 164 of the Cr.P.C. that she went alongwith the petitioner on her own, living there as husband and wife. Her father went to Jaipur and also assaulted the petitioner and that was the reason she refused to come with him.

6. Learned APP for the State, on the other hand, opposes the prayer for bail.

7. Taking into account the aforesaid fact that has come on record as also the submissions put forward, the girl is major, she has narrated the entire story, the petitioner is in custody since 03.10.2022 (as stated in paragraph 10 of the bail application), do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Exclusive Special Judge POCSO cum Additional Sessions Judge-VII, Gaya in connection with Gurua P.S. Case No. 129 of



2021, 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 *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 his 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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