

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72865 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- HIRAMMA P.S. District- Sheohar

PRINCE MUMAR SON OF DHARMENDRA KUMAR @ DHARMENDRA
PURVE RESIDENT OF VILLAGE - BANKUL, POLICE STATION -
HIRAMMA, DISTRICT - SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Smiti Bharti, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023 Heard Ms. Smiti Bharti learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned APP for the

State.

2. The petitioner is in judicial custody in connection
with Hiramma P.S. Case No. 89 of 2022 registered under
Sections 363 and 366A of the Indian Penal Code and
subsequently Section 376 of the Indian Penal Code and Section
4 of the POCSO Act was added lodged on 15.12.2022 by the
informant, Pappu Mahto.

3. The allegation against the petitioner is that the
minor girl went to attend coaching classes and failed to return.
She used to communicate with the petitioner, later she was
recovered and in her subsequent statement named the petitioner.



Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is only 19 years of age, admittedly, they were in relationship and as per her information, the girl was pregnant.

5. Learned APP opposes the prayer for bail stating that the girl has made allegation against him.

6. On going through the FIR, this Court has seen that though the father has alleged that his minor daughter is missing, still the police has chosen to record her name as also her father's name which is completely against the guidelines of the POCSO Act.

7. So far as this case is concerned, considering the aforesaid submissions put forward by the learned counsel for the petitioner that he is 19 years of age, he do not have criminal antecedent, is in custody since 16.12.2022 (as stated in paragraph-22 of the petition), keeping him with dreaded criminal in the jail will not serve the purpose as ultimately he will have to face the trial, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional



District and Sessions Judge -I cum Special Judge, Sheohar in connection with Hiramma P.S. Case No. 89 of 2022 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/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/her 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 the bail bonds.

9. The Superintendent of Police, Sheohar shall submit a report :

(i) how the name of the victim girl and/or her family members/address has been recorded in the present FIR against the guidelines of the POCSO Act;



(ii) the step that he is going to take sensitize the police in such a matter.

10. The report to be submitted within a period of four weeks.

11. List this case be listed after four weeks ‘under the heading to be mentioned’.

12. Let a copy of this order be sent to the office of Superintendent of Police, Sheohar.

(Rajiv Roy, J)

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