

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71121 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- GAUNAHA District- West Champaran

SUDHIR RAM @ SUDHIR KUMAR SON OF BHAGIRATHI RAM RESI-
DENT OF VILLAGE - MAHUBHUSA, PS- GAUNAHA, DIST- WEST
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gaunaha P.S. Case No. 143 of 2022 dated 1.7.2022 registered for the offence punishable under Sections 363, 366-A/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per prosecution case, the minor grand-daughter of the informant was kidnapped by the petitioner and other co-accused persons. The petitioner was also missing and his family members assured the informant that after a week, they would return his grand-daughter.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. The petitioner and the victim girl were in love with each other and they solemnized marriage before the Marriage Officer, Bettiah under Special Marriage Act. The victim girl is major and her age was reported after medical examination to be 17-19 years. The petitioner and victim girl eloped and they solemnized their marriage before the Marriage Officer since the family members of the victim girl were against their relationship. When the petitioner came to know about lodging of the First Information Report, he surrendered before the learned court below on 12th of July, 2023. The FIR in the present case has been lodged after delay of 21 days stating no explanation. The petitioner has got clean antecedent and charge sheet has been submitted.

5. Learned APP opposes the prayer for bail and submits that the victim girl is said to be minor and her consent is immaterial.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner and victim girl solemnized marriage before the District Sub Registrar-cum-Marriage Officer, West Champaran and even her age was assessed to be 17-19 years by



the Medical Board, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO, West Champaran, Bettiah in connection with Gaunaha P.S. Case No. 143 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditons:-

(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 court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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