

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4159 of 2024**

Arising Out of PS. Case No.-402 Year-2023 Thana- SHERGHATI District- Gaya

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ADITYA KUMAR SON OF RANJEET MISTRI RESIDENT OF BALORA,  
P.S. - BANSHI BIGHA, DISTRICT - ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sushen Kumar Keshri, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      05-02-2024                      Heard the parties.

2. The petitioner is an accused in connection with Sherghati P.S. Case No. 402 of 2023 registered for the offences under sections 366A and 34 of the Indian Penal Code lodged on 20.04.2023 by the informant, Karan Kumar.

3. As per the prosecution story, the informant's daughter went out to withdraw the money but later disappeared. Accordingly, the FIR.

4. Subsequently, when the petitioner and the victim girl were returning from Kolkata taken into custody by the police.

5. Learned Counsel for the petitioner submits that both were in love and had gone of their own.

6. This Court has perused the order of the learned



Sessions Judge in which it has been recorded that the victim in her 164 Cr.P.C. statement has narrated that she had gone with the accused on 16.04.2023 and started living with him and further has not made any allegation about the physical relationship between them.

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

8. Considering the submissions put forward by the parties as also the observation of the learned Sessions Judge, the girl in her 164 Cr.P.C. statement has not alleged anything against the petitioner, he is a young boy, is in custody since 28.04.2023 (as stated in paragraph 11 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

9. 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 Sherghati P.S. Case No. 402 of 2023, 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.

**10.** With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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