

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5546 of 2024

Arising Out of PS. Case No.-414 Year-2023 Thana- DUMRA District- Sitamarhi

NIRAJ JHA @ RISHU JHA SON OF LATE NARESH JHA @ RAM
NARESH JHA RESIDENT OF VILLAGE - RASALPUR, P.S. - DUMRA,
DISTRICT - SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Dumra P.S. Case No. 414 of 2023 registered under Sections 363, 366(A) and 34 of the Indian Penal Code lodged on 24.08.2023 by the informant, Veena Devi.

3. As per the prosecution story, the informant alleged that the accused persons kidnapped her minor daughter for the purpose of marriage and it is further alleged that three months later that on 13.08.2022, the petitioner came and abused her. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the First Information Report would show that for the alleged act of 05.05.2022, FIR came to be lodged in August,



2023 in this case.

5. A co-ordinate Bench of this Court had earlier called for a case diary which has since been received and learned counsel for the petitioner has taken this Court to paragraph 35 of the case diary which is the statement of the victim girl under Section 164 of the Cr.P.C. in which she has stated that on her own she had gone to her maternal grandmother's home because she was used to beaten by her mother to study which she dislike.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the victim girl has given different version

7. Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent and the victim girl has not alleged anything against him, this Court is inclined to grant him privilege of anticipatory bail.

8. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory 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 Sessions Judge-VI cum Spl. Judge (POCSO) Act, Sitamarhi in



connection with Dumar P.S. Case No. 414 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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.

(Rajiv Roy, J)

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