

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8342 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- CHHATAUNI District- East Champaran

Bajrangi Sah @ Bajrangi Kumar, S/o Kapil Dev Sah, R/o Village- Bada
Bariyarpur, Ward No. 45, P.S- Chhatauni, Distt.- East Champaran At
Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in Chhatauni P.S. Case
No. 266 of 2023, instituted for the offences punishable under
Sections 363, 366(A), 34 of the Indian Penal Code and added
Section 8 of the POCSO Act.

3. The prosecution allegation, in short, is that accused
persons including the petitioner forcibly taken away the minor
daughter of the informant and the informant suspects that the
accused persons had taken away her daughter with the intention
to rape or to sell or to marry with her.

4. The petitioner has falsely been implicated in the
present case. The petitioner is in custody since 23.11.2023 and



has no criminal antecedent. The Court below has recorded in the order that the date of birth of the victim is 30.03.2007 and on recovery the statement of the victim was recorded under Section 164 of the Cr.P.C in which she stated that she was having love affair with the petitioner and her parents were against her marriage with the petitioner. The Court below further recorded in the order that the victim further stated that she left her home and went away with petitioner and also solemnized marriage. Learned counsel for the petitioner further submits that the relationship of the petitioner with the victim was a consensual relationship between the parties. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. The victim is present in the Court. This Court also made query from the victim on which she stated that she has already solemnized marriage with the petitioner and they are living together.



7. Considering the aforesaid facts and circumstances of the case, taking into account the period of custody undergone by the petitioner and the fact that marriage with the petitioner has been solemnized, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chhatauni P.S. Case No. 266 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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