

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9767 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Gautam Thakur @ Goutam Kumar @ Goutam Kumar Thakur son of Dinesh Thakur Village-. Rondhiya PS. Saraiyahat District- Dumka Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratik Kumar, Advocate Mr. Sanjay Kumar Tiwari, Advocate Mr. Piyush Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 2 22-02-2024 1. Heard learned counsel for the petitioner and learned A.P.P for the State.
2. The petitioner has preferred this application for grant of regular bail in connection with Jagdishpur P.S Case no.10 of 2023 registered under sections 366A, 384, 504, 506 and 34 of the Indian Penal Code and section 8 of the POCSO Act.
3. As per the prosecution case, the informant states that his minor daughter who had gone to attend the call of nature did not return and was not to be found inspite of search. It transpired that she was kidnapped by the accused persons including the petitioner herein. On the informant and others going and making inquiries about the whereabouts of his



daughter, it is stated that they were harassed and threatened.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. Though her age has been assessed to be 17 years, she is in fact a major. Further from the contents of the statement under section 164 Cr.P.C, it would transpire that she has categorically stated therein that she went on her own without informing the members of her family, caught a train to Surat and reached the place of the petitioner. She was on talking terms with the petitioner for the last two years and wanted to marry. The marriage between them took place in the year 2022. On learning about a case having been instituted they returned.

5. Learned counsel for the petitioner finally submits that even accepting the case of the prosecution that the date of birth of the victim is 25.2.2006, it is not in dispute that now she has almost attained majority and is married to the petitioner. The petitioner is in custody since 1.2.2023.

6. The prayer for bail is opposed by learned A.P.P for the State.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material



that has transpired in course of investigation as is evident from the order of the learned trial Court and specially the contents of the statement of the daughter of the informant recorded under section 164 Cr.P.C, certified copy of which has been brought on record as Annexure P/2 to the petition together with the petitioner being in custody for more than 1 year since 1.2.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Jagdishpur P.S. Case no.10 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge VII- cum- Exclusive Special Judge, POCSO Act, Bhagalpur, Bihar.

(Partha Sarthy, J)

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