

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13586 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- CHANPATIA District- West Champaran

Shaktiman Kumar @ Shakti Kumar Son of Laxman Mahato R/o village-
Sirisiya, Vishwas, P.S.- Sirisiya O.P., District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-04-2024

Heard the parties.

2. The petitioner is an accused in connection with Chanpatiya P.S. Case No. 492 of 2023 for the offence under sections 363, 366A, 376, 34 of the I.P.C. and Section 4 of the POCSO Act lodged on 10.08.2023 by the informant, Kalawati Devi.

3. As per the prosecution story, the lady informant alleged that her daughter was in regular conversation with the petitioner as also Sanjay Sharma and the two of them are close friends and on 07.08.2023, they took her daughter without any information and accordingly, the F.I.R.

4. In this case, a coordinate Bench on 05.03.2024 had called for the case diary and 164 Cr.P.C. statement of the victim girl while issuing notice to the opposite party no.2, when



since appeared. The case diary and the 164 Cr.P.C. statement of the victim girl are also in the record.

5. Learned counsel for the petitioner submits that they were in relationship and both are of young age though, the girl is 16 years old and the boy (Shaktiman Kumar) himself is 20 years old and they disappeared and solemnized marriage but has been framed. Learned counsel for the petitioner, on the other hand, submits that the girl was minor on the day she left the place along with Shaktiman Kumar.

6. Learned APP, Mr. Bharat Bhushan has taken this Court to the statement made by the girl under Section 164 of the Cr.P.C. According to which, she went on her own with Sanjay Sharma to the Railway Station and as could not find him later, called this petitioner along with him and although, the petitioner asked her to go to her home, she refused to do so due to fear of beating by the parents and ultimately, they went to Panipat (Haryana) and later to Delhi where they have performed Court marriage and then, started living in Ghaziabad (Uttar Pradesh). Subsequently, they choose to return to the native place caught and ultimately, her statement is that though she wants to go with her parents, would like to live with the petitioner herein.

7. Having gone through the facts of the case, the



submissions as also the statement of the victim girl though she is minor, the boy himself is a 20 years old person, student, has already remained in custody since 03.11.2023, keeping him with criminals in the jail would ultimately ruin this future, this Court is inclined to grant the privilege of bail.

8. Let the petitioner No.1 be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, POCSO- cum- A.D.J.-6, Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 492 of 2023 subject to the conditions 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 No.1 who shall provide official document to show his/her bona fide;

(ii) the petitioner No.1 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 No.1 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 the bail bonds;

(iv) the petitioner No.1 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.

(Rajiv Roy, J)

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