

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 17677 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- DHAMDAHA District- Purnia

RAJESH KUMAR @ RAJESH KUMAR SINGH S/O LATE PURSHTTAM
PRASAD SINGH R/O VILLAGE- MADHUBAN, WARD NO.-05, P.S- UDA
KISHUNGANJ, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr Ashok Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE KHATIM REZA

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2 The petitioner apprehends arrest in connection with
Dhamdaha PS Case No 107 of 2023 dated 12.05.2023 instituted
under Sections 363, 366A of the Indian Penal Code.

3 There is specific allegation against co-accused
Sachin Singh who is the named accused against whom the FIR
has been lodged.

4 The learned counsel for the petitioner submits that
during the course of investigation, the name of the petitioner
surfaced when statement of the victim has been recorded under
Section 164 of the Cr P C but even prior to that while recording
her statement under Section 161 of the Cr P C, the name of the



petitioner was not disclosed by the victim. It is submitted that the victim has specifically stated that she left her house out of her own sweet will and solemnized marriage with the named accused persons, namely, Sachin Singh. It is submitted that the victim girl has been examined and the doctor found her age to be between 15 to 17 years. It is also submitted that the similarly situated co-accused, namely, Shiv Raj Anand @ Pawan Singh has been granted anticipatory bail by a coordinate Bench of this Court vide Cr Misc No 15189 of 2024. It is further submitted that the petitioner has no criminal antecedent.

5 Learned APP has opposed the prayer for bail.

6 Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VII -cum- Special Court (POCSO), Purnea in Dhamdaha PS Case No 107 of 2023 subject to the conditions as laid down in Section 438 (2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall cooperate in the trial and shall be properly



represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and/or his wife, (iii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and, thereafter, the Court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7 The application stands allowed.

(Khatim Reza, J)

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