

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20147 of 2024

Arising Out of PS. Case No.-28 Year-2023 Thana- AMARPUR District- Banka

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Bhaskar Yadav Son of Naveen Yadav @ Dharmveer Kapari Resident of
village - Kumarpur, P.S.- Fullidumar, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Ms.Renu Kumari, APP

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

ORAL ORDER

3 14-05-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Amarpur (Fullidumar) P.S. Case No. 28 of 2023 instituted for
the offences under Section 366(A)/34 of the Indian Penal Code
and Section 8 of the POCSO Act.

3. As per prosecution case, in short, is that while the
daughter of the Informant left the house, the accused persons
including the petitioner took daughter of the Informant on a
vehicle. The Informant suspects that accused persons have
kidnapped his daughter for the purpose of marriage.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner and the Informant are next-door neighbour and there is a love affair between the petitioner and the daughter of the Informant for the last two years and she wanted to marry with the petitioner. He further submits that the date of occurrence is 17.10.2023 but, the F.I.R. was lodged on 22.10.2023 and there is delay of five days which falsifies the prosecution case. The statement of the victim girl recorded u/s 164 Cr.P.C. is totally corroborated with the statement recorded under Section 164 Cr.P.C. wherein the victim girl has stated that she has solemnized marriage with the petitioner in a temple. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.12.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Meena Devi has been granted bail by this Court vide order dated 25.04.2024 passed in Cr. Misc. No. 6649 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature as the victim girl is a minor girl. The cognizance of the offence has also been taken under Section 366(A) of the I.P.C.,



Section 4 of the POCSO Act and Section 9, 10 & 11 of the Prohibition of Child Marriage Act against the petitioner and one another co-accused person. He further submits that the consent is not valid in the eye of law as the victim girl is a minor girl and, hence, he does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the statement of the victim girl made under Section 164 Cr.P.C., let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Amarpur (Fullidumar) P.S. Case No. 28 of 2023.

(Rudra Prakash Mishra, J)

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