

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21546 of 2024

Arising Out of PS. Case No.-414 Year-2023 Thana- RAMGARHWA District- East
Champaran

Govind Kumar Son of Sanjay Kumar Ram Resident of vill.-Chhagarahan,
P.s.-Sugauli, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Tiwary, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, APP

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

ORAL ORDER

3 07-05-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Ramgarhwa P.S. Case No. 414 of 2023 instituted for the offence
under Sections 366A & 34 of the Indian Penal Code and Section
8 of the POCSO Act.

3. Prosecution case in short is that petitioner on the
pretext of dropping informant's minor daughter (victim) to her
school made her sit on his motorcycle while she was going to
her school on 30-10-2023 and then kidnapped her.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 29-11-2023. Petitioner is a
man of clean antecedent.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that victim and the petitioner was in love affairs from the last three years. So far as allegation of kidnapping is concerned, it is submitted that victim herself in her statement recorded under Section 164 of the Cr.P.C. has stated that she has gone with the petitioner at her own volition. Referring to paragraph No. 44 of the case diary, learned counsel for the petitioner submits that age of the victim is assessed to be 19 years or above.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that petitioner taking advantage of tender mind of victim took her to Delhi and then solemnized marriage with her.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, fact that victim has not supported the allegation levelled in the FIR and clean antecedent of the petitioner, 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



Court below/concerned Court in connection with Ramgarhwa
P.S. Case No. 414 of 2023, subject to the following
conditions:

(I) One of the bailors shall be own/close member of the
family of the petitioner.

(II) The petitioner shall appear on each and every date
fixed at the trial. In case of default in such appearance on
two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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