

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27569 of 2024

Arising Out of PS. Case No.-379 Year-2022 Thana- SHEOHAR District- Sheohar

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RAUSHAN KUMAR S/O ASHOK SAH R/O VILLAGE- SHEOHAR
WARD NO. 15, P.S- SHEOHAR, DISTRICT- SHEOHAR

. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with POCSO Case no.46 of 2023, arising out of Sheohar P.S Case no.379 of 2022 registered under sections 363, 366A and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that his minor daughter was kidnapped by the five named accused persons including the petitioner herein. Inspite of search she was not to be found.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. She returned and her statement was recorded under section 164 Cr.P.C wherein she has categorically stated that she went with the petitioner out of her own freewill. Learned counsel further



submits that in the medical examination, she was found to be carrying a child of 33 weeks. As such, her age could not be estimated for the reason that X-ray was not done. As per the matriculation certificate, her date of birth is 17.6.2005 and thus on the date of occurrence she was aged about 17 years 5 months. On attaining majority, she married the petitioner on 25.8.2023. The petitioner is in custody since 1.11.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the contents of the statement of the victim recorded under section 164 Cr.P.C, her age being about 17 years 5 months on the date of occurrence, the subsequent events including the victim having married the petitioner and being in the family way, taking into consideration the petitioner having remained in custody since 1.11.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with POCSO Case no.46 of 2023 (arising out of Sheohar P.S Case no.379 of 2022) 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-I-cum-Special Judge, POCSO, District-Sheohar.

(Partha Sarthy, J)

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