

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27756 of 2024

Arising Out of PS. Case No.-854 Year-2023 Thana- KAHALGAON District- Bhagalpur

Karan Rikhyasan @ Chotu @ Chotu Kumar son of Bino Mushar @ Bindeshwari Mushar @ Vinay Mushar Village- Mushari Tola Pahad W.No-2, Sadanandpur Milki Po- Nandlalpur Ps- Kahalgaon Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhananjay Singh son of Prabhu Narayan Singh Village- Sadanandpur Ps- Kahalgaon Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 21-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Kahalgaon P.S. Case No. 854 of 2023 for the offence punishable under sections 363 and 365 of the Indian Penal Code read with 8 of the POCSO Act lodged on 20.07.2023 by the informant, Dhananjay Singh.

3. As per the prosecution story, the informant alleged that on 11.06.2023, his minor daughter was taken away for the purpose of marriage by the named accused and earlier also the fact was complained to the Sarpanch which followed Gram Kachari Case No. 59 of 2023. As she could not be found, the FIR.



4. Learned counsel for the petitioner submits that the girl on her own came out of the house, called the petitioner and they went to Jalandhar, later they solemnized marriage. The girl upon return made statement under Section 164 of the Cr.P.C. where she recorded that she does not want to go with her parents, else she will be again married.

5. In this case, Co-ordinate Bench had issued notice to the opposite party no. 2 and as per the report, it was received by the daughter of the opposite party no. 2. There is no appearance on his behalf.

6. Learned APP opposes the prayer for bail submitting that the minor daughter of the petitioner was kidnapped.

7. Considering the submissions put forward by the parties as also the fact that as per the 164 Cr.P.C. statement, the girl narrated that she went out of the home on her own and later solemnized marriage, she did not wanted to go with her parents, the petitioner has remained in custody since 16.08.2023 (para 15 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special



Court, POCSO, District- Bhagalpur in connection with Kahalgaon P.S. Case No. 854 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 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 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)

Vijay Singh/-

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