

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30264 of 2024

Arising Out of PS. Case No.-481 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Sadashiv Kumar Son of Roopdarshan Kumar @ Roopdarshan Ram R/o
Village-Chakrahasi, P.S.- Buxar Mufassil, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-07-2024 Heard Mr. Parijat Saurav, learned counsel for the petitioner, Mr. Sanjay Kumar representing the informant as also the State

2. The petitioner is in custody in connection with Buxar (Muffasil) P.S. Case No. 481 of 2023 for the offence punishable under Sections 363 and 366A of the Indian Penal Code and Sections 8 and 12 of the POCSO lodged on 14.11.2023 by the informant, Chandi Devi.

3. As per the prosecution story, the informant alleged that her daughter went to Buxar to attend tuition classes. When her daughter did not returned after classes, she called her and the daughter said that she is in Buxar and will come soon but did not return till midnight. Thereafter, the informant started



searching for her daughter and later, she got to know that one person namely Sadashiv Kumar has eloped with her daughter. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the victim girl subsequently made statement under Section 164 of the Cr.P.C. stating that she went on her own alongwith the petitioner and has not made any allegation of rape against him. He submits that the petitioner is in custody since 28.11.2023 (paragraph-11 of the petition) and has no criminal antecedent.

5. Learned counsel for the informant opposes the prayer submitting that the girl is a minor.

6. Though, the girl is minor, once she has made a statement under Section 164 of the Cr.P.C. that she left the parents home on her own, only because on her request, the petitioner accompanied her that cannot be a ground to put him behind the bar particularly when he has already been in custody since 28.11.2023 and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 Additional



District and Session Judge, VI-cum-special Court POCSO,
Buxar, in connection with Buxar (Muffasil) P.S. Case No. 481 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)

Adnan/-

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