

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32558 of 2024

Arising Out of PS. Case No.-210 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Chhotu Yadav @ Chhotu Kumar, Son Of Ranjan Yadav, Resident Of Village -
Parasbanna, P.S. - Peerpainti, District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Advocate
For the State	:	Mrs. Rita Verma, APP
For the Informant	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Pirpainti P.S. Case No. 210 of 2022, registered for the alleged offences under Sections 366A, 504 and 376/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. As per prosecution case, the minor daughter of the informant was kidnapped by the petitioner with intention of marrying her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she stated about her love affair with the petitioner. In her statement recorded under Section 164



Cr.P.C., the victim girl has clearly stated that she went with the petitioner out of her own sweet will and solemnized marriage in a temple and started staying as husband and wife. Hence, there is no question for kidnapping her against her will. Learned counsel further submits that when the learned Magistrate asked the victim girl, she showed her inclination to go to her matrimonial home. The victim girl stated her age to be 18 years though her age was assessed to be 15 years by the learned Judicial Magistrate. Learned counsel further submits that petitioner is in custody since 08.12.2023 and charge-sheet has been submitted. Petitioner is having clean antecedent.

5. Learned A.P.P. as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that on 21.01.2024 another F.I.R vide Sabaur P.S. Case No. 24 of 2024 has been lodged by the informant as the petitioner has again kidnapped his minor daughter.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C. and also considering the clean antecedent of the petitioner coupled with his period of custody and submission of charge



sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-7th Additional District and Sessions Judge, Bhagalpur/ court concerned, in connection with Pirpainti P.S. Case No. 210 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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