

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30360 of 2024

Arising Out of PS. Case No.-86 Year-2023 Thana- KARAI PARSURAI District- Nalanda

Kaitu @ Kaitu Kumar @ Gorang Mahto son of Late laljee Mahto Village-
Budhudih Ps- Narayanpur Dist- Jamtara, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 26-07-2024 Heard the parties.

2. The petitioner is an accused in connection with POCSO Case No. 02 of 2024 arising out of Karai Parsurai P.S. Case No. 86 of 2023 registered for the offences under sections 363, 366(A) and 34 of the Indian Penal Code and section 12 of POCSO Act lodged on 03.08.2023 by the informant, Sharwan Gop.

3. As per the prosecution story, the informant alleged that the minor daughter went out but did not return and later came to know that the named accused including the petitioner has taken her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the girl recorded her statement under Section 164 of the Cr.P.C. had admitted to solemnized marriage with the petitioner on



29.07.2023 in a temple in Jamtara.

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the fact that though the girl is minor, as per the statement of the girl made under Section 164 of the Cr.P.C., she went on her own, he is in custody since 30.07.2023 (as stated in paragraph-8 of the petition) and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge-VIIth-Cum-Special Judge POCSO, Bihar Sharif, Nalanda in connection with POCSO Case No. 02 of 2024 arising out of Karai Parsurai P.S. Case No. 86 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/her



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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

