

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32419 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- KATORIYA District- Banka

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Pawan Kumar Das, S/o Chaitlal Das @ Gandhu Das, R/o vill - Supaha, P.S. - Katoriya, Distt. - Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shakuntala Devi, W/o Tetu Das, R/o Village-Supaha, P.S. Katoriya, District-Banka.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Brij Nandad Prasad, Adv.
For the State	:	Mr. Akshay Lal Pandit, APP
For the Informant	:	Mr. Chandrashekhar Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 31-07-2024 Heard Mr. Brij Nandad Prasad, learned counsel for the petitioner and learned Additional Public Prosecutor for the State. O.P. No.2 appears through her counsel Mr. Chandrashekhar Sharma.

2. The petitioner seeks regular bail, who is in custody in connection with Katoriya P.S. Case No. 04 of 2024 registered for the offence punishable under Section 366 read with 34 of the Indian Penal Code.

3. Allegedly, the daughter of the informant aged about eighteen years was enticed away by the petitioner for the purposes of marriage. It is further alleged that when the informant came to know about the incidence, she made a call to



the petitioner and it is the petitioner who admitted this fact that the victim is with him and they are at Jasidih Station.

4. It is contended on behalf of the petitioner that, in fact, this is a case of love affair between the petitioner and the victim leading to their marriage. The statement of the victim girl was recorded under Section 164 CrPC, where she has categorically stated that she was in love with the petitioner for the last four years and thereafter she voluntarily left the house and reached at Jasidih Station from where she along with the petitioner went to Surat and solemnized marriage. It is also contended that the FIR clearly suggests that the age of the victim on the alleged date of occurrence was eighteen years and, as such, she was major at that point of time. It is lastly contended that the petitioner is in custody since 19.01.2024 having fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application. However, learned Advocate for O.P. No.2, submitted that now the victim girl is residing with the petitioner and both the families have settled the matter outside the Court.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim



recorded under Section 164 CrPC as well as the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the period of incarceration and the petitioner bears fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Banka in connection with Katoriya P.S. Case No. 04 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and, in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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