

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32360 of 2024

Arising Out of PS. Case No.-616 Year-2023 Thana- GAYA KOTWALI District- Gaya

Vikash Kumar S/o Late Arjun Raut @ Arjun Mahato R/o Village
Makhdumpur, P.S. Sheikhapura Distt-Sheikhapura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2024 Heard Mr. Ramakant Yadav, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Gaya Kotwali P.S. Case No. 616 of 2023
registered for the offences punishable under Sections 363 and
366A of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that the daughter of the informant aged about 16 years
went to attend the musical examination with co-accused
persons, however, she did not return. Despite search, the
whereabouts of the victim could not be traced.

4. Learned Advocate for the petitioner contended that
the petitioner is not named in the FIR. However, during the



course of investigation, the petitioner and the victim appeared before the police and thereafter the statement of the victim was recorded under Sections 161 and 164 of the CrPC. The victim in her statement recorded under Section 164 CrPC, categorically stated that she had been knowing the petitioner for the last seven years and this fact was known to all her family members. On the alleged date of occurrence, she voluntarily left her house and went to Mumbai along with the petitioner where they stayed for 5-6 weeks. They also solemnized marriage and now she wants to go with the petitioner. It is next contended that the victim was also examined by the Medical Board where her age has been assessed more than 19 years. It is lastly contended that the petitioner is a man of tender age having absolutely fair antecedent and he undertakes that he will cooperate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the Educational Certificate clearly shows the date of birth of the victim as 16.05.2007 and, as such, she was minor on the alleged date of occurrence. In the aforesaid circumstances, the consent of the victim has no meaning in the eyes of law.

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 medical report, which suggests her age to be more than 19 years, coupled with the fair antecedent of the petitioner, 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 Special Judge, POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya in connection with Gaya Kotwali P.S. Case No. 616 of 2023, 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)

rohit/-

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

