

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37606 of 2024

Arising Out of PS. Case No.-02 Year-2024 Thana- Amdanda District- Bhagalpur

Rupesh Kumar, Son of Radhe Singh, Resident of Village - Surmaniya, P.S. -
Amdanda, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Advocate
For the State : Mr.Raj Kishor Singh, APP
For the Informant : Mr. Chandra Shekhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with POCSO Case No. 41 of 2024 arising out of Amdanda P.S. Case No.02 of 2024, registered for the alleged offences under Section 366(A)/34 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and the informant came to know that the petitioner has enticed her with intention of marrying her.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The real fact of the case is that the petitioner and daughter



of the informant were in love. The statement of victim girl was recorded under Sections 161 as well as 164 Cr.P.C. wherein she has clearly stated that she herself left her house and no one has kidnapped her. She accompanied the petitioner to Delhi and solemnized the marriage with him and wants to live with him. Under the circumstances, no offences under Section 366(A) IPC and Section 8 of POCSO Act are made out. The victim girl was medically examined and her age was assessed to be above 18 years and no sign of recent sexual intercourse was found. The petitioner is in custody since 07.03.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that the victim girl was enticed away by this petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the voluntary nature of act of the victim girl and further considering the statement of the victim girl recorded under Section 164 Cr.P.C. and also considering the submission of charge sheet and the period of custody of the petitioner, he 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 Sessions Judge, Bhagalpur, in connection with POCSO Case No. 41 of 2024 arising out of Amdanda P.S. Case No. 02 of 2024, subject to 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

