

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37178 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Munta Sao @Manoj Prasad Son Of Late Devi Sao R/O Village Narawat Ps Atri District Gaya
2. Neelam Devi W/O Munta Sao @Manoj Prasad R/O Village Narawat Ps Atri District Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Rajnandan Yadav R/O village- Serthua, Salempur, P.S. Kako(Nawar O.P.), District- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Soni Shrivastava, Adv. Ms. Sarandha Suman, Adv.
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-09-2024 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Special POCSO Case No. 07 of 2024 arising out of Makhdumpur (Tehta O.P.) P.S. Case No. 694 of 2023 dated 04.11.2023 registered for the offences punishable u/ss 366-A read with section 34 of the Indian Penal Code and subsequently adding Sections 363, 365, 376, 376(3), 370(4), 372, 373 & 120(B) of the Indian Penal Code, Sections 4,6 & 8 of the POCSO Act, Sections 8 & 9 of

the Prevention of Immoral Trafficking Act and Sections 9, 10 & 11 of the Prohibition of Child Marriage Act.

3. As per the prosecution case, on 03.11.2023 at about 08:00 a.m., the informant's daughter went her coaching institute at Serthua More to study but did not return. The informant along with others, started searching her daughter and during course of search, the informant came to know from various sources that one Akash Kumar and Ankit Kumar kidnapped his daughter with *mala fide* intention. The girl is aged about 14 years old and studying in Class IX.

4. Learned counsel for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the FIR. The name of the petitioners has sprung up in this case only on suspicion. During the course of investigation, it has transpired that the victim was having love affair with Akash Kumar and she used to talk to him through phone and meet him secretly. The petitioners have no concern with the alleged occurrence. No offence of Sections 366A, 376(3) and 376(A) of the Indian Penal Code is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 06.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners and submitted that the victim in her statements recorded under Section 161 and 164 of the Cr.P.C. has stated that the co-accused Akash Kumar took her to Madhuwan Hotel, Jehanabad, where he committed rape on her forcibly. On being asked, the co-accused Akash Kumar denied to marry her and left her. Then the victim met the co-accused Santosh Kumar who took her to his house at Kurtha, where he also committed rape on her forcibly. The co-accused Santosh Kumar took the victim to Gaya on assurance of marriage with her, but the co-accused Santosh Kumar got the marriage of the victim solemnized with one Madan Kumar with the aid of the petitioner and his wife (Neelam Devi). Madan Kumar gave Rs.1.50 lack to the petitioner Munta Sao @ Manoj Prasad for the said marriage. The petitioner's wife got the victim decorated for marriage. The victim went to the house of Madan Kumar in Madhya Pradesh, where she started leading her conjugal life as husband and wife. The co-accused Madan Kumar established physical relationship with the victim forcibly. The victim has further stated that there was several talks between the co-accused Santosh Kumar and Madan Kumar on mobile phone and the co-accused Santosh Kumar demanded Rs.50,000/- from Madan Kumar but Madan Kumar did not send

the money to the co-accused Santosh Kumar. It is further submitted that as per report of the medical board, hymen ruptured, redness in particular part of vagina and the victim had sexual intercourse.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 694 of 2023 with condition:-

(i) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of their bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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