

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39575 of 2024

Arising Out of PS. Case No.-281 Year-2023 Thana- PATLIPUTRA District- Patna

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Dheeraj Kumar, aged about 25 years, Gender-Male, Son of Late Shyam Babu Thakur, R/O Gate no. 44, Mainpura, beside Shiv Mandir, P.S.- Patliputra, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Sundari Devi, wife of Pandit Rai, Resident of Rajapur, Mainpura, Babhan Toli, Gate No. 40, P.S. Patliputra, District-Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajendra Sharma, Advocate
For the Opposite Party : Mr. Anuj Kumar Shrivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 05-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Patliputra P.S. Case No. 281 of 2023 dated 02.04.2023 registered for the offences punishable under Sections 363 and 366 of the I.P.C. in which cognizance has been taken for the offences punishable under Sections 363, 366A, 376 of the I.P.C., Sections 4 and 6 of the POCSO Act and Section 9 of the Child Marriage Act.

3. As per the prosecution case, the petitioner is alleged to have kidnapped the minor daughter of the informant for the purpose of marriage.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there was love affair between the parties. The victim in her statement recorded under Sections 161 and 164 of the Cr.P.C., has stated that she loves the petitioner for five years and she of her own sweet will went with him to Delhi and married him. She further states that no one had kidnapped her. The victim is aged above 17 years. She was not forced/seduced to have illicit relationship with another person. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 26.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, in Special Case No. 321 of 2023, Patna in connection with Patliputra P.S. Case No. 281 of 2023, with further condition:-



(I) The petitioner is 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 bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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