

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40560 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- AMARPUR District- Banka

Akshay Kumar Son of Chhote Raut R/O Vill.- Patwa, P.S.- Dhoraiya, Dist.-
Banka Petitioner/s

Versus

1. The State Of Bihar
 2. Munilal Thakur Son of Mahadev Thakur R/O Vill.- Govray, P.S.- Sajour,
Dist.- Bhagalpur
- Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 04-12-2024 Heard Mr. Brij Nandan Prasad, learned counsel for
the petitioner and Mr. Bharat Bhushan, learned APP.

2. The petitioner is in judicial custody in connection with Amarpur (Fullidumar) P.S. Case No. 80 of 2023 for the offences punishable under Sections 366(A)/34 of the IPC, lodged on 15.02.2023 by the informant, Munilal Thakur.

3. As per the prosecution story, the informant alleged that the victim had gone to UCO Bank, Banka fromwhere, the petitioner and other accused persons kidnapped her. Accordingly, the FIR/arrest.

4. As the story unfolded, the victim girl and the petitioner were brought back, she made statement under Section 164 of the CrPC informing that on 05.02.2023 she went to the house of the petitioner and got married at Banka court



whereafter, she started living with her in-laws. At the time of statement, she was pregnant, though wanted to go with her mother.

5. It is the case of the petitioner that admittedly, there was a love affair, the father of the victim did not liked it, the girl went on her own, he has been made to suffer by being in custody since 30.06.2023 (para-7 of the petition) and in between, the girl is also blessed with a child.

6. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that the girl was minor.

7. In this case, notice was issued to the Opposite Party no.2 by a Co-ordinate Bench on 31.07.2024 but there is no appearance.

8. Though, the girl is minor, the fact remains that the petitioner who has no criminal antecedent has already suffered by being in custody since 30.06.2023, the victim girl has not alleged anything wrong against this petitioner, there is no sight of trial being conducted/concluded in the near future, an undertaking has been given by the petitioner that he shall be appearing diligently in the trial, in that background and solely on the point of being him in custody for about 1 and a ½ years , this Court is inclined to extend him the privilege of bail.



9. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-6-Cum- Special Judge, POCSO, Banka in connection with aforesaid P.S. Case subject to the following conditions:-

- (i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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