

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40389 of 2024

In
CRIMINAL APPEAL (SJ) No.171 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- SHAMBHUGANJ District- Banka

Md. Rasimul @ Md. Nasimul Son of Md. Aslam Resident of village - Belari,
Police Station - Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bindu Devi Wife of Bulbul Das Resident of village - Belari, P.S.-
Shambhuganj, District - Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Najmul Hodda, Advocate
For the Opposite Party/s	:	Mr. Sadanand Paswan, APP
For the Informant	:	Mr. Anamul Haque, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in Shambhuganj P.S. Case
No. 211 of 2023, instituted for the offences punishable under
Sections 366A, 379, 504, 506/34 of the Indian Penal Code and
Section 8 of the POCSO Act.

3. The prosecution case, in short, is that, the petitioner
has eloped with the minor daughter of the informant at night
with an intention of marriage.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is inordinate delay of four days in lodging the F.I.R. Learned counsel for the petitioner also submits that the statement of victim was recorded under Section 164 of Cr.P.C. in which she has stated that she has love affair with the petitioner for about more than one year and she, on her own will, went with the petitioner to Mumbai and stayed there for one night but the petitioner has not committed any wrongful act and she wants to get married with the petitioner after attaining the age of majority. Learned counsel for the petitioner further submitted that both the parties are next door neighbours and the informant was quite aware with regard to love affairs of her daughter. The petitioner is in custody since 15.09.2023 and has got no criminal antecedent.

5. Learned counsel for the informant and learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, statement of victim recorded under Section 164 of Cr.P.C. and taking into account the period of custody undergone



by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Shambhuganj P.S. Case No. 211 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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