

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46330 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- BALTHAR District- West Champaran

Aditya Kumar Son of Nagina Sah R/O Village - Gauripur Bazar, P.S.- Balthar,
District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Suresh Sah R/o - Parsauni, P.S.- Balthar, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Balthar P.S. Case No. 36 of 2024 for the offences punishable under Sections 363, 365, 366A/34 of the Indian Penal Code and Section 8 and 12 of the POCSO Act lodged on 06.04.2024 by the informant, Ranju Devi.

3. As per the prosecution story, the informant alleged that her minor daughter went to attend nature's call but later came to know that she has been taken away by this petitioner. Accordingly, the FIR.

4. In this case, the girl was recovered and she made statement under Section 164 CrPC which is the part of the case



diary called by the Co-ordinate Bench according to which she went on her own and solemnized marriage with the petitioner. She has further narrated that this petitioner has done nothing wrong.

5. Learned counsel for the petitioner submits that despite the aforesaid facts, he is in custody since 17.04.2024 (para-12 of the petition) and he is 21 years of age.

6. Learned APP opposes the prayer stating that girl is minor.

7. Taking into account the aforesaid facts as also the statement made by the victim girl under Section 164 CrPC wherein she has not alleged anything wrong against this petitioner, the petitioner has remained in custody since 17.04.2024, he is a young boy having no criminal antecedent, this Court is inclined to extend him the privilege of bail.

8. 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- 7th cum- Special Judge, POCSO, Bettiah, West Champaran in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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)

perwez

U		T	
---	--	---	--

