

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47979 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- PAHARPUR District- East Champaran

Tabrej Rai @ Tabrej Alam Son Of Kalmuddin Rai Village- Pakariya, P.S.-
Paharpur, Distt.- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinay Kumar Son Of Jokhan Patel R/O- Village- Laukahan, P.S.- Paharpur,
Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Adv.
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant/s	:	Mr. Hemant Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Paharpur P.S. Case No. 181 of 2014 for the offences punishable under Sections 366(A)/34 of the I.P.C. read with Section 8 of the POCSO Act, lodged on 23.04.2024 by the informant, Vinay Kumar.

3. As per the prosecution story, the informant alleged that his minor sister was abducted with cash and ornaments for the purpose of marriage and the accused/petitioner is also absconding from the house and upon request, the parents also abused. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that they



were in relationship, subsequently, the girl returned and under coercion, gave statement against the petitioner. Further contrary to the statement of the informant's side, the medical report of Sadar Hospital, Motihari find her age to be 18-19 years. Relating to physical relationship/sexual assault, no such medical report is on record. He has remained in custody since 25.04.2024 (para 15 of the petition). He do not have criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per the statement of the girl, she was forced to leave her house along with money, taken to Kathmandu and later returned.

7. Considering the aforesaid submission put forward by the parties, allegations are there, the fact remains that no medical examinations so far as the sexual assault/physical relationship is concerned is/are on record, the age of the girl has been opined to be 18-19 years, the petitioner is only 22 years of age having no criminal antecedent and has remained in custody since 25.04.2024, as undertaken by the learned counsel for the petitioner, he shall be diligently appearing in the trial, this Court



is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner 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 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Paharpur P.S. Case No. 181 of 2024, subject to the following conditions:

(i) one of the bailor 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 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now 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;

(v) 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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