

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46037 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Ramesh Kumar Son of Prabhu Sah @ Pradip Sah R/O Vill.- Ramnagar
jagapakar, P.S.- Harsidhi, Dist.- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rambha Devi Wife of Chandrika Rai R/O Vill.- Rulhi Sataisa Tola, P.S.-
Muffasil, Dist.- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 18-09-2024 Heard the parties.

2. The petitioner is in custody in connection with
Muffasil P.S. Case No. 29 of 2024 for the offence punishable
under sections 363, 366(A) and 34 of the Indian Penal Code and
Section 8 of the POCSO Act lodged on 14.01.2024 by the
informant, Ranbha Devi.

3. As per the prosecution story, the informant alleged
that on 02.01.2024, the victim girl was kidnapped by the owner
of mobile no. xxxxx63606 with an intention to marry.
Accordingly, the FIR.

4. Subsequently, it came out to be the phone number
of this petitioner and after he was picked up, is in custody since



20.03.2024 (para 4 to the petition).

5. Learned counsel for the petitioner submits that he do not have criminal antecedent, they were in relationship and the girl is major.

6. Subsequently, the victim girl was recovered and she made a statement under Section 164 of the Cr.P.C., according to which she went on her own with this petitioner and on 03.02.2024, solemnized marriage at Areraj Temple and while she was returning from Raxaul, picked up by the police. Further, she stated that she want to stay with her in-laws.

7. Learned counsel for the informant submits that as per the learned Sessions Judge order, the girl is minor.

8. This Court has gone through the Section 164 Cr.P.C statement where the age has been recorded at 20 years. In any case, she has not alleged any criminal act against the petitioner, he is in custody since 20.03.2024 (para 4 to the petition) and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East



Champaran, Motihari, Bihar in connection with Muffasil P.S.
Case No. 29 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/her 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)

Vijay Singh/-

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