

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47814 of 2024

Arising Out of PS. Case No.-455 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

Raghunandan Kumar, Son Of Shukdev Sah, Village- Ward No. 08, Madhopur
Chaudhary, P.S.- Runnisaidpur, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate
For the State	:	Mr. Satyendra Narayan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Ayush Kumar, learned Advocate appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Runnisaidpur P.S. Case
No. 455 of 2023 registered for the offence punishable under
Sections 363, 366(A) and 34 of the Indian Penal Code.

3. The allegation against the petitioner is of enticing
away the minor daughter of the informant for the purpose of
wrongful act.

4. Learned Advocate appearing on behalf of the
petitioner adverting to the FIR contended that with regard to the
occurrence which took place on 08.09.2023, the FIR has been
instituted on 10.09.2023 without there being any explanation. It



is further contended that in fact the victim was in love with the petitioner and despite any inducement or persuasion, she herself left her house and solemnized marriage with the petitioner. The statement of the victim has been duly recorded under Section 164 of the Code of Criminal Procedure wherein her age has been assessed as seventeen and half years. In her statement she has categorically stated that she was in love with the petitioner for the last three years and left her house voluntarily. Thereafter both of them have solemnized the marriage. The victim girl also refused to go for medical examination. In the aforesaid premise learned Advocate for the petitioner submits that the petitioner makes out a good case for grant of bail, coupled with the fact that he is having fair antecedent.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner was a minor and, as such, even her consent does not matter.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, coupled with the fact that there is neither any allegation of inducement, nor the victim was subjected to force or seduced to



illicit intercourse coupled with the fair antecedent, let the petitioner, named above, 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 learned Additional Sessions Judge VI-Cum-Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 455 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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