

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45846 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- BETTIAH CITY District- West
Champaran

Abhishek Kumar Son of Manoj Raut Resident of Village - Jagjiwan Nagar,
Ward No.- 18, P.S.- Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi Wife of Rajan Raut Resident of Village - Jagjiwan Nagar, Ward
No.- 18, P.S.- Bettiah Town, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-09-2024 Heard Mr. Sanjeev Kumar, learned counsel for the

petitioner and Mr. Anand Kumar Mishra representing the

informant.

2. The petitioner is in custody in connection with
Bettiah Town P.S. Case No. 101 of 2024 for the offence
punishable under sections 366A and 34 of the Indian Penal Code
lodged on 28.02.2024 by the informant, Rekha Devi.

3. As per the prosecution story, the minor daughter
was missing and subsequently, came to know that this petitioner
has taken her away. When the inquiry was made from the family
members, they abused. Upon returning home, the informant also
found cash and ornaments missing. Accordingly, the FIR.



4. In this case, a Coordinate Bench had called for the case diary and learned counsel for the petitioner straightaway took this Court to the 164 Cr.P.C. statement made by the girl, according to which the mother used to scold her for the studies and fed up with that, she left the home and along with the petitioner went to her grandmother's home. There, she came to know about the FIR and as did not wanted an innocent to be implicated and as such, returned.

5. Learned counsel for the informant submits that the girl is minor.

6. Learned APP opposes the prayer for bail.

7. Though the girl is minor, according to her statement she herself along with this petitioner went to her maternal grandmother's home, stayed there for two days and then returned. She had narrated her story, the petitioner is a young boy of 18 years, do not have criminal antecedent and is in the custody since 29.02.2024 (para 11 to the petition). In this background, 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) each with two sureties of like amount each to the satisfaction of learned Additional



Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 101 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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