

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46650 of 2024

Arising Out of PS. Case No.-433 Year-2023 Thana- BANMANKHI District- Purnia

CHHOTU KUMAR @ CHHOTU RISHI S/O BAIJNATH RISHI @
BENGTHU RISHI R/O VILLAGE- NAYA NAGAR, JHOUWARI, P.S-
BANMANKHI, DISTT.- PURNEA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. ARUNA DEVI W/O SHAILESH RISHI R/O VILLAGE- NAYA NAGAR,
JHAWARI, WARD NO.-4, P.S- BANMANKHI, DISTT.- PURNEA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, 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 Spl. (POCSO) Case No. 61 of 2024 arising out of Banmankhi P.S. Case No. 433 of 2023 for the offence punishable under Sections 363, 366A of the Indian Penal Code and 04 of POCSO Act lodged on 01.10.2023 by the informant, Aruna Devi.

3. As per the FIR, the informant alleged that her daughter went out to attend nature's call when this petitioner took her away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that there has been delay in lodging of the FIR inasmuch as the



occurrence is of the date 23.09.2023 while the FIR was lodged on 01.10.2023. Though he concedes that the girl gave statement against him under section 164 of the Cr.P.C. In this case, a coordinate bench called for the case diary and section 164 Cr.P.C. statement, according to which this petitioner when she went to attend nature's call, took her to the sister's house where they remained for a week and when the mother lodged the case, they went to a local MLA from where the police brought her home.

5. Learned APP opposes the prayer submitting that the girl has supported the mother's version.

6. Though there is allegation of taking her away, nothing wrong has been attributed and further case diary shows that she did not go for the medical examination (para-37 of the said case diary), the petitioner is a young boy of 18 years, is in custody since 4.03.2024 and do not have criminal antecedent, putting him in jail will not serve the purpose, the charge-sheet has already been submitted, this Court is inclined to extend him the privilege of bail with conditions.

6. 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), Purnea, in connection with Spl. (POCSO) Case No. 61 of 2024 arising out of Banmankhi P.S. Case No. 433 of 2023 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 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)

Ravi/-

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

