

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45308 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- KHIRI MORE District- Patna

Amit Kumar SON OF Ajay Verma VILLAGE- PAIGAMBARPUR, PS- KHIRI MORE, DIST- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. RIYA KUMARI DAUGHTER OF RAKESH CHAUDHARY VILLAGE- PAIGAMBARPUR, PS- KHIRI MORE, DIST- PATNA P/A- TELPS, PO AND PS- TELPA, DIST- ARVAL

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Advocate
Mr. Ashish Anand, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 21-10-2024 Heard Mr. Mukesh Kant duly assisted by Mr. Ashish Anand, learned counsels for the petitioner and Mr. Bharat Bhushan, learned APP for the State.

2. The petitioner is in judicial custody in connection with Special (POCSO) Case No. 73 of 2024 arising out of Khiri More P.S. Case No. 54 of 2024 for the offence punishable under Sections 341, 323, 376 & 34 of the Indian Penal Code and section 3/4 of the POCSO Act as well as section 3(1)(r)(s) of the SC/ST Act lodged on 16.03.2024 by the informant, Riya Kumari.

3. As per the prosecution story, the informant alleged that on the pretext of marriage, the petitioner took her from his



house, in between, he put vermilion on her head and later, after putting her in his house, he fled away. The allegation is that they were making conversation for the last one and half years and also made physical relationship. From the home, the parents pushed her out whereafter, the FIR.

4. It is the case of the petitioner that the girl was on the verge of becoming major (17 years of age as opined). The informant's side wanted the petitioner to marry her, he being a student wanted to pursue the studies, got implicated and is in custody since 20.03.2024 (para-04 of the petition).

5. Learned APP opposes the prayer stating that on the pretext of marriage, physical relationship was made.

6. Though the allegations are there, the petitioner is 22 years old, a student, has already remained in custody since 20.03.2024, do not have criminal antecedent, it would be futile keeping him in jail with dreaded criminals, earlier notice was noticed by a coordinate bench which has been received by the opposite party no.2, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 ADJ-VIIth cum



Special Judge, POCSO, Patna, in connection with Special (POCSO) Case No. 73 of 2024 arising out of Khiri More P.S. Case No. 54 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 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)

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