

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48580 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- BYPASS District- Patna

Rakesh Kumar Son of Budha Prasad @ Vadhu Ramani R/O Vill.- Sultanpur,
P.S.- Parwalpur, Dist.- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anita Devi Wife of Santu Ravidas R/O Vill.- Anand Bazar, Tulha Toli, P.s.-
Danapur, Dist.- Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

6 29-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Special (POCSO) Case No. 106 of 2024 arising out of By Pass PS Case No. 45/2024 for the offences punishable under Sections 363, 366(A) of the IPC, lodged on 03.02.2024 by the informant, Anita Devi.

3. As per the prosecution story, the informant alleged that upon return from the job, she found her daughter missing as her tenant, Rakesh Kumar (petitioner herein) was also missing. Accordingly, the FIR.

4. Subsequently, the victim girl returned and learned counsel for the petitioner has taken this Court to the statement made by her under Section 164 of the CrPC, according to



which, the girl whose age has been opined to be 17 years, has narrated that she is in relationship with the petitioner, they moved on their own, went to different places and then returned. She has also informed that in Hyderabad, they consummated marriage and does not want to go to her parents' home.

5. The allegation is there, the petitioner will face the trial, the girl has narrated her own version, according to which, she was not abducted nor anything has been alleged against the petitioner, he is in custody since 19.02.2024 (para-4 of the petition) and has got no criminal antecedent, this Court is inclined to extend him the privilege of bail.

6. Let the petitioner, above named, 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 Additional Sessions Judge-VII-Cum-Special Judge, POCSO, Patna, in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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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