

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51568 of 2024

Arising Out of PS. Case No.-2 Year-2023 Thana- SHAHKUND District- Bhagalpur

Roshan Sharma @ Roushan Sharma Son Of Prakash Sharma Village- Radha Nagar, Ps- Sajour, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi W/o Tuntun Sharma R/o vill - Radha Nagar, P.s - Shahkund , Distt- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mrs.Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Shahkund (Sajour) P.S. Case No. 2 of 2023, POCSO Case No. 74 of 2023, registered for the offences under Sections 366A and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. As per the prosecution case, the petitioner enticed away the daughter of the informant and solemnized marriage with her.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. None of the witnesses have taken the name of



the petitioner during investigation who might have seen the petitioner taking away the daughter of the informant. The victim girl has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded. From her statement it appears that she is in love with the petitioner for last two years and she went voluntarily with the petitioner and has solemnized marriage with him. The victim girl has even gone to the extent of saying that the petitioner has not committed any mistake rather it was she who committed the mistake. This makes it clear that the petitioner has not kidnapped the victim girl and it is a case of love affair. Petitioner is aged about 20 years and has been in custody since 08.02.2023 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State vehemently opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the date of birth of the victim girl has been stated to be 09.06.2007 as it appears from the rejection order and she was enticed away by the petitioner and consent of the minor is immaterial.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the age of the petitioner and his period of custody and the statement of the victim girl, the petitioner is directed to be released on



bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-POCSO-cum-7th Additional District and Sessions Judge, Bhagalpur/concerned court, in connection with Shahkund (Sajour) P.S. Case No. 2 of 2023, POCSO Case No. 74 of 2023 subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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