

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56422 of 2024

Arising Out of PS. Case No.-140 Year-2024 Thana- DAUDNAGAR District- Aurangabad

PRINCE KUMAR @ NARAIN SON OF LATE RAJESH PRASAD @
RAJESH PRASAD RAUT VILLAGE- WARD NO. 2, NAGAR PRISHAD
ROAD, DAUDNAGAR, PS- DAUDNAGAR, DIST- AURANGABAD

... .. Petitioner/s

Versus

1. The State of Bihar
2. REKHA DEVI WIFE OF GORAKH PRASAD KASERA VILLAGE-
DAUDNAGAR, PS- DAUDNAGAR, WARD NO. 12, DIST-
AURANGABAD

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 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 Daudnagar P.S. Case No. 140 of 2024, registered for the alleged offences under Sections 363, 366 and 34 of the Indian Penal Code and Section 8 of POCSO Act.

3. As per prosecution case, the minor daughter of the informant went missing and the informant alleged that the petitioner took her away with the intention of marrying her.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The statement of the victim girl was recorded under



Section 164 of the Cr.P.C. wherein she has stated that she ran away from her house with the petitioner and went to Delhi and solemnized marriage. When coming to know about the lodging of the F.I.R., she returned. This shows that the petitioner has not committed any wrong and further submission is that the victim girl refused to go under medical examination and even in Medical Report, she stated that she eloped with the petitioner on 30.03.2024. Thus, there is no allegation of any overt sexual act. The petitioner is in custody since 08.04.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent and he is aged about 21 years.

5. The learned A.P.P. as well as learned Counsel for the Informant opposes the submission made on behalf of the petitioner.

6. Learned Counsel for the Informant submits that the age of the victim girl is below 16 years and her consent is immaterial in view of her minority.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the statement of the victim girl and further considering her age at which the girl develops sufficient maturity and also considering the age of the petitioner, his clean antecedent, submission of charge sheet



and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Daudnagar, in connection with Daudnagar P.S. Case No. 140 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the 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 court below.
- (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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