

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56374 of 2024**

Arising Out of PS. Case No.-85 Year-2024 Thana- ITARHI District- Buxar

Nitish Kumar Son of Sanjay Singh @ Sanjay Yadav R/O Vill.- Pawar, P.s.- Pawana, Dist- Bhojpur.

... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. Chandan Sah Son of Hira Lal Sah R/O Vill.- Itarhi, P.S.- Itarhi, Dist.- Buxar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate  
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      18-11-2024                      Heard learned counsel for the petitioner, the State and the informant.

2. The petitioner is in custody in connection with Itarhi P.S. Case No. 85 of 2024 for the offence punishable under sections 363 and 365 of the Indian Penal Code and Section 8 of the POCSO Act lodged on 09.05.2024 by the informant, Chandan Sah.

3. As per the prosecution story, the informant alleged that his minor daughter left home without informing anyone and used to talk to a mobile no. XXXXX62115 and he has apprehension of him taking her away. Subsequently, the victim girl returned and though under Section 164 of the Cr.P.C. statement, she accepted to have made relationship with the



petitioner but alleged that he used to threatened her of dire consequences and transmitting the video footage of the relationship if his words are not taken note of.

4. Learned counsel for the petitioner submits that as the FIR was lodged on 09.05.2024, the petitioner was taken into custody on 11.05.2024 and his mobile was seized and though the video was found in the WhatsApp number of the victim's father, no such video is present in the mobile of the petitioner which was seized, is ready to abide all the terms and condition if granted bail.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that the video footage in the WhatsApp number of her father clearly shows that the petitioner was in the possession of such footage.

6. Having gone through the case as also the submissions put forwarded by the parties, the allegation is there, the girl has narrated consensual relationship, the second fact is there that the petitioner threatened her of transmitting the video footage, remained in custody since 11.05.2024 (paragraph-10 of the petition), do not have any criminal antecedent and it has been undertaken by the learned counsel for the petitioner that he will be diligently appearing in trial, 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) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Buxar, in connection with Itarhi P.S. Case No. 85 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/her 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 appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) 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;



(v) 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)**

Adnan/-

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