

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56830 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- BIRPUR District- Supaul

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RITIK KUMAR SON OF NARESH SHARMA RESIDENT OF VILLAGE -
RATANPURA, POLICE STATION - RATANPURA, DISTRICT - SUPAUL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KARAM SINGH S/O BUDHIYA RAM RESIDENT OF VILLAGE -
BALOGAHA, POST- SAMTHI, DISTT.- CHAMBA, STATE- HIMACHAL
PRADESH, AT PRESENT RESIDING AT S.S.B. BAHARI SEEMA
CHOWKI SHAILESHPUR, P.S.- BHIMNAGAR (O.P. BHIM NAGAR),
DISTRICT- SUPAUL, STATE- BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 19-11-2024 Heard the parties.

2. The petitioner is in custody in connection with
POCSO Case No. 75 of 2023 arising out of Birpur (Bhimnagar)
P.S. Case No. 236 of 2023 for the offence punishable under
sections 363 and 366A of the Indian Penal Code and Section 8
of the POCSO Act lodged on 01.08.2023 by the informant,
Karam Singh.

3. As per the prosecution story, the informant alleged
that while on duty, they saw a boy and a girl moving towards
Nepal. They were stopped and upon checking the bag and going
through the facts of the case, found that the girl is minor. Parents
were contacted and later, on the basis of abduction case, they
were taken into custody. This led to the present FIR.



4. Learned counsel for the petitioner submits that the girl in her Section 164 of the Cr.P.C. statement has made it clear that she was going to Nepal on her own.

5. Learned APP opposes the prayer for bail submitting that the girl was a minor and the petitioner had abducted her.

6. In this case, a Coordinate Bench had called for the case diary and the statement of the victim girl and learned counsels took this Court to the paragraph-71 of the case diary, according to which, the girl has narrated that she was going to Nepal on her own.

7. Considering the submissions put forwarded by the parties as also the statement of the victim girl under Section 164 of the Cr.P.C. coupled with the fact that the petitioner is in custody since 03.08.2023 (paragraph-7 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

8. 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 ADJ-VI-cum-Special Judge, POCSO Act, Supaul, in connection with POCSO Case No. 75 of 2023 arising out of Birpur (Bhimnagar) P.S. Case No. 236 of 2023 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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