

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54554 of 2024

Arising Out of PS. Case No.-335 Year-2020 Thana- PIPRA District- East Champaran

Upendra Pandit @ Upendra Kumar S/o Agandh Pandit @ Angad Pandit @
Ungad Pandit Resident of Village- Babhantoli, PS-Pakaridayal, District-East-
Champaran at Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chhabela Sah S/o Late Dwarika Sah R/o Vill - Gore, P.O. - Damodarpur,
P.S. - Pipra, Distt - East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pipra P.S. Case No. 335 of 2020 for the offence registered under sections 363, 366(A) and 34 of the IPC and 8 of the POCSO Act lodged on 08.11.2020 by the informant Chhabela Shah.

3. As per the prosecution story, the informant who is father of the victim alleged that she had gone out to attend the nature's call but failed to return, it came to notice that this petitioner along with family members has taken her away, which led to the FIR.



4. Learned Counsel for the petitioner submits that the girl is major, went on her own, only to implicate the petitioner, the age was wrongly incorporated to make her minor, she actually came in this world in the year 2001 and as such, at the time of lodging of the FIR, was 19 years old.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that as per the FIR, the girl was minor at the time of occurrence.

6. In this case, the girl has appeared in the Court suo motu and informed that she was not minor at the time of occurrence, went on her own as she was in relationship with the petitioner, the Date of Birth as per her Aadhar Card is 01.01.2001 (Aadhar Card No. xxxx xxxx 6548).

7. Let a copy of the Aadhar Card be attached as part of the record.

8. She further submits that she is solemnized marriage with the petitioner and in the last four years, is also blessed with two children.

9. A case has been lodged by the father, it will travel to its journey, the facts are on record. The girl has appeared and has submitted that she was in a relationship, solemnized the marriage, on the date of occurrence was major, her date of birth



as per the Aadhar Card shows 01.01.2001, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Section Judge cum Spl. Judge POCSO Act, Motihari, District-East Champaran in connection with Pipra P.S. Case No. 335 of 2020 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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