

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57126 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- DHAKA District- East Champaran

Asif, Son Of Mainnuddin Dewan Village- Haruhani, Ps- Dhaka, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sukeshar Baitha Son Of Kulheri Baitha Village- Haruhani, Po- Chandanbara, Ps- Dhaka, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim, Advocate
For the Opposite Party/s : Mr.Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 25-11-2024 Heard learned counsel for the petitioner, learned counsel for the informant as also learned APP for the State.

2. The petitioner is in custody in connection with Dhaka P.S. Case No. 37 of 2024 for the offence under Sections 363, 366A, 504, 506/34 of the Indian Penal Code, Sections 8 & 11 of the POCSO Act as well as section 3(2)(v) lodged on 24.01.2024 by the informant, Shukeshar Baitha.

3. As per the prosecution story, the informant alleged that his 17 years old daughter went missing and came to know that this petitioner has taken her away. When called, he was threatened which led to the F.I.R.

4. Subsequently, the victim girl was recovered, she made a statement before the Court under section 164 of the



Cr.P.C. narrating that along with this petitioner, she went to Mumbai where remained for ten days and upon knowledge about the case, came back. She further stated that she is pregnant and do not want to return to her home and in case, she is separated from this petitioner, may not survive.

5. The subsequent development is that according to learned counsel for the informant, the abortion took place and the child failed to come to this world and the girl is presently with her parent.

6. Learned counsel for the petitioner submits that as per the medical report, he was on the verge of 18 years (17 years 10 months). Further, he do not have criminal antecedent and is in custody since 31.01.2024 (para-17 of the petition).

7. Though learned counsel for the informant tried to impress upon this Court that the girl is minor, was taken away by the petitioner, the facts are on record that the girl has clearly stated that she wants to remain with this petitioner, unfortunately she was pregnant, now stands aborted and the petitioner has already remained in custody since 31.01.2024, in that background, 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) with two sureties of like



amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge POCSO Motihari, East Champaran, in connection with Trial No.81/2024 arising out of Dhaka P.S. Case No.37 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 bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the 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 bail bond.

(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)

Amandeep/-

U		T	
---	--	---	--

