

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 55575 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Manjeet Yadav Son of Nawal Rai Residence of Village - Dhaphar, P.S.-
Chhauradano, Dist.- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi Wife of Hari Shanker Shah Residence of Village - Juaphar, P.S.-
Chhauradano, Dist.- East Champaran, Motihari.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the O.P. No. 2	:	Mr. Pravin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the opposite

party no.2.

02. In the present case, the petitioner seeks bail in
connection with Chhauradano P.S. Case No. 34 of 2024,
registered for the alleged offences under Sections 363, 366A/34
of the Indian Penal Code and Section 8 of the POCSO Act.

03. As per prosecution case, the minor daughter of the
informant went missing and the informant came to know that
the petitioner and other co-accused persons were instrumental in
her disappearance with intention of solemnizing the marriage of
the daughter of the informant.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The daughter of the informant has been recovered and she was examined by a Medical Board and her age was assessed between 17 to 18 years. The victim girl stated in her statement under Section 164 Cr.P.C. that she ran away with the petitioner from her house and went to Delhi and solemnized marriage with him. She also stated that they stayed for one and half month in a rented premises as husband and wife. She has stated about her love affair with the petitioner in her statement. Thus, it was a voluntary act of the daughter of the informant and none of the offences as mentioned in the FIR are made out against the petitioner. Learned counsel further submits that even the age of the victim as per statement before the learned Judicial Magistrate is 18 years. The victim also showed her willingness to go to her matrimonial home and not with the informant. The petitioner is in custody since 13.04.2024 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State as well as learned counsel for the opposite party no. 2 vehemently opposes the prayer for bail. Learned counsel for opposite party no.2 submits that the victim girl is aged about 13 years and her consent is



immaterial. From the statement recorded under Section 164 Cr.P.C., it is apparent that the victim girl has been put to sexual assault and considering her minority, provisions of POCSO Act would apply.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the Medical Board assessed age of the daughter of the informant to be 17-18 years, the age at which a girl develops sufficient maturity, and further considering the voluntary nature of her act and further considering the period of custody of the petitioner, his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 34 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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