

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56963 of 2024

Arising Out of PS. Case No.-293 Year-2023 Thana- SIMRI District- Buxar

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Bir Bahadur Ram Son of Ramesh Ram R/V- VILLAGE- MAHAROURA,
P.S.- DUMRAON, DISTT.- BUXAR

... .. Petitioner/s

Versus

1. The State of Bihar
2. DINESH RAM SON OF LAXMAN RAM R/V- VILLAGE- SIMRI
DUDHIPATTI, P.S.- SIMRI, DISTT.- BUXAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-11-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner is in custody in connection with
POCSO Case No. 42 of 2024 arising out of Simri P.S. Case No.
293 of 2023 for the offence punishable under section 363 of the
Indian Penal Code and the charge-sheet was submitted under
Sections 366(A), 363 and 376 of the Indian Penal Code, Section
6 of the POCSO Act and Section 9 of the Child Marriage Act
lodged on 24.08.2023 by the informant, Dinesh Ram.

3. As per the prosecution story, the informant alleged
that the victim girl went to the market and failed to return.
Further, her mobile was switched of. As she could not be



located, the FIR.

4. Subsequently, the victim girl returned, made her statement under Section 164 of the Cr.P.C, the age of the girl has been recorded as seventeen years and she has stated that she went to Dumraon on her own at her Bua's place. There she met this petitioner who was liked by her earlier but now does not want to have any business with him. She went to Bangalore and then returned home and nothing wrong has been committed by him.

5. Learned counsel for the petitioner submits that he has already suffered by being in custody since 13.10.2023 (paragraph-13 of the petition) and he shall be diligently appearing in trial.

6. Learned counsel for the informant on the other hand opposes the prayer submitting that the girl was found pregnant which subsequently was aborted and the petitioner cannot exonerate himself from the alleged act. He further submits that the trial has started and one witness has been examined.

7. Having gone through the facts of the case, the submissions of the parties as also taking into account his period of custody since 13.10.2024, coupled with the statement of the



victim girl where she has not made any allegation of wrongdoing against this petitioner, trial is on and it has been submitted by learned counsel for the petitioner that he shall be diligently appearing in it, 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) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-VI-cum-Special Judge, POCSO Act, Buxar, in connection with POCSO Case No. 42 of 2024 arising out of Simri P.S. Case No. 293 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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